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STATE RIGHTS AND POLITICAL PARTIES IN NORTH CAROLINA—1776-1861

BY

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PREFACE.

This study was undertaken with the earnest desire to make some contribution, however slight, to the history of the native state of the writer. The political tendencies of North Carolinians between the War of Independence and the War of Secession have been set forth with the clearness with which the writer has been able to discern them. It is hoped that the monograph will serve as one block in the edifice which some future historian will erect when neither memory nor tradition can warp the truth in the story of southern secession.

A friend of the writer, Dr. John P. Hollis of South Carolina, now in the Bureau of Corporations, Washington, D. C., suggested the subject of the study. Grateful acknowledgment and thanks are especially due to Associate Professor James Curtis Ballagh, of the Johns Hopkins University, both for a careful and painstaking reading of the manuscript and for many helpful suggestions and criticisms. The kindly interest of Professor John Martin Vincent, Director of the Department of History at the Johns Hopkins University, has been very helpful. Miss Mary Theresa Dallam of Baltimore kindly read the manuscript and aided in corrections. The writer wishes further to express his appreciation of the courtesy and unfailing patience with which Mr. Miles O. Sherrill, North Carolina State Librarian, placed the resources of the Library at his command and added much to the pleasure of his work in Raleigh.

H. M. WAGSTAFF.

BALTIMORE, MARYLAND, 1906.

STATE RIGHTS AND POLITICAL PARTIES IN NORTH CAROLINA: 1776–1861.

CHAPTER I.

First Years of Independence: Union.

In April, 1775, the threatening aspect of the political situation in the province of North Carolina caused Josiah Martin, the royal governor, to take refuge under the guns of a British man-of-war lying in the Cape Fear River. From this date North Carolina was for one year and a half without a constitution. Governmental authority was exercised during this period by a provincial council acting under the authority of a provincial congress which had convened soon after the governor's flight. At the call of the provincial council a second congress met in April, 1776.[1] Together with its duty of providing ways and means for prosecuting the war, this body was expected to form a constitution. Though two parties were rapidly taking form among the patriots upon the subject of the constitution, public opinion was not yet clearly expressed in principles.

Those who inclined toward a government of democratic type, with every department subject to the will of the people, gradually gathered into one camp under the leadership of Willie Jones. Others counseled conservatism in departing from old forms and wished the constitution to provide a government further removed from popular impulse.[2] The conservatives recognized Samuel Johnston as the chief exponent of their principles. The relative strength of these two parties

[1] Journal of this congress is in N. C. Colonial Records, X, 164–220.
[2] Cf. Jo. Seawall Jones, Defence of North Carolina, 276.

in the April congress is unknown, but neither was fully formed and ready for action. "Certain resolutions proposed as a foundation for a temporary civil constitution" were deferred from time to time[3] without their contents being spread upon the journal. No action was had beyond this and the matter was left over for a future congress. But the members had been unanimous in voting to instruct the delegates of the colony in the Continental Congress to concur with the delegates of the other colonies in a declaration of independence.[4] Three months later the Philadelphia Declaration reached Halifax, then the seat of government in North Carolina, and was publicly read to a very large assembly of patriots gathered for the interesting ceremony.[5]

A third congress was now called to meet in November and form a constitution for the independent state. The election of delegates to this congress developed warm partisanship between the radical and conservative factions.[6] The latter were distanced by their opponents. Samuel Johnston, the most prominent conservative leader, was defeated in his county for a seat in the congress and attended only as a lobbyist. Willie Jones was chosen as borough member from Halifax, the seat of the congress; each of the thirty-five counties sent up five delegates and nine boroughs sent one delegate each.

The Halifax Congress organized on the twelfth of November by the choice of Richard Caswell as president. Caswell was fresh from the scene of his victory[7] over the Highlanders at Moore's Creek in the Cape Fear county and his popularity was attested by the unanimous vote he received for presiding officer.[8] On the second day a committee was appointed to draft a bill of rights and a constitution.

[3] Journal, N. C. Colonial Records, X, 545, 547.
[4] Ibid., X, 512.
[5] Jones, Defence of North Carolina, 269.
[6] Ibid., 283.
[7] The battle of Moore's Creek was fought in Feb., 1776, between the Revolutionary provincial forces under the command of Caswell and the Scotch Highlanders who had risen in favor of King George.
[8] Journal of the Halifax Congress, N. C. Col. Rec., X, 916.

Willie Jones was on this committee as well as the second leading radical in the state, Thomas Person. Popularizing influences early manifested themselves in the congress, and a motion was passed[9] that for the future all questions should be determined by voice instead of by counties and towns, as formerly. An oath of allegiance to the "independent state of North Carolina and to the Powers and Authorities which may be established for the good government thereof"[10] was provided for enforcement upon citizens lukewarm to the revolution. The budding spirit of state nationalism had its expression in the appeal of the congress to the law of nations in its demand upon Massachusetts for the return of a North Carolina brig, laden with salt, wine, and Jesuits' bark from Cadiz, Spain, seized by a privateer out of Boston.[11]. The work of constitution-making went on amid such characteristically democratic proceedings as: "On motion, ordered that sundry horses and a chariot, the property of the late Governor Martin, be sold for ready money on Monday next at 4 o'clock in the afternoon, in the town of Halifax, and that the proceeds of sale be paid into the Treasury of this Province."[12]

The bill of rights brought forward by the committee consisted of twenty-five articles which enumerated the usual guarantees of English liberty, such as freedom of conscience, freedom of the press, trial by jury, etc., and declared the people the sole and exclusive source of government, enjoining a frequent recurrence to fundamental principles.

It was in the constitutional document proper that the popular party purposed to enthrone democracy, yet the completed instrument indicated the extremely mild form of radicalism prevalent at that date. Many features indeed showed the evidences of compromise. Legislative authority was vested in a biennial assembly annually elected by the people under certain restrictions. The judicial and

[9] Journal, N. C. Colonial Rec., X, 917.
[10] Journal, N. C. Colonial Rec., X, 920.
[11] Ibid., 996.
[12] Ibid., 920.

executive branches of the government were to an extent subordinated to the legislative branch through the power given the assembly to elect both the governor and the judges of the various courts. Likewise nearly all other officers,[13] including an attorney-general, treasurer, councillors of state, generals and field officers of the militia and of the regular army, were to be elected by the two houses.[14] The theory was that through annual elections the assembly would be directly under the control of the people and would reflect their will, but the franchise was so hedged about that even this tempered concession to democracy was partially negatived.

A state senator had to possess three hundred acres in fee. To vote for a senator a freehold qualification of fifty acres was necessary; to vote for a commoner only the payment of public taxes was required.[15] Evidently there was small reason for Johnston's querulous complaint. "I am in great pain for the honor of the province," he wrote. "Every one who has the least pretensions to be a gentleman is suspected and borne down *per ignobile vulgus*—a set of men without reading, experience or principle to govern them."[16] The constitution, though certainly not admirable in many respects, bore the impress of sincerity; and though conservative according to present day standards, it satisfied the demands of the radical party of 1776.

There was much need, however, for compromise between the two Whig factions, and stability in the government was essential to the success of the Revolutionary party. The internal strife with the Tories was perhaps more bitter in North Carolina than in any other of the American colonies.

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[13] N. C. Col. Rec., X, 1003. This bill of rights was declared a part of the constitution by the 44th Article of the later document.

[14] The justices of the peace in the respective counties were likewise to be classed by the assembly and commissioned by the governor (Art. 33). Though not provided in the constitution the county sheriffs were also elected by the assembly.

[15] N. C. Constitution of 1776, sections VII and VIII, Col Rec., X, 1006.

[16] N. C. Col. Rec., X, 1041. Johnston to Jas. Iredell, Dec. 9, 1776.

There were two main causes for this besides the natural and usually wholesome difference of opinion upon political questions. First, the population of North Carolina, viewed as a whole, was composed of non-homogeneous groups. Second, a long period of pre-Revolutionary mismanagement had destroyed the faith of the frontier settlers in the wisdom and justice of the rule of the older, more populous, and wealthier seaboard. The overflow from the older seaboard settlements made up a back-country population of hardy English stock which had been unable, up to the Revolutionary period, to induce the eastern or seaboard region to extend to them any share in the provincial government.

The first result of this sectional divergence was the Regulators' War of 1769–1771, which grew directly out of oppressive taxation and an unjust judicial system applied by the east to the back-country.[17] In essence it was a rebellion of the new west against the old east and eastern misrule. The Regulators, who had assumed the administration of justice in the central and western counties according to their own ideas, were crushed by eastern bayonets under the command of the royal governor, William Tryon. Hence, when the Revolutionary War broke out it was the east rather than the English that many of the old Regulators were ready to fight. Their coalition with the great body of Highlanders in the Cape Fear region, who were monarchists by mental inheritance as well as by moral conviction, tore the embryo state asunder and gave a determined and bloody character to the civil strife carried on throughout the Revolutionary period. The fires of internecine warfare burned brightly in the middle counties[18] even while the tacit truce existed from 1781 to 1784 between the Continental and British forces at New York and Charleston. The battle of Moore's Creek in February, 1776, between the state Revolutionary troops and the combined forces of the High-

[17] For a full treatment of the Regulators' War and its causes see Haywood, Tryon in North Carolina. Also a good sketch in Saunders' Introduction to Vol. VIII of N. C. Col. Records.

[18] Washington's Works, Washington to La Fayette, Jan. 2, 1782.

landers and the Regulators, had begun the discomfiture of the Loyalists in North Carolina, and the defeat of Ferguson at King's Mountain in 1780 had completed it.[19]

The struggle between the Loyalists and the patriots was characterized by such personal bitterness that even after independence of England was assured the memory of past sufferings and hatred could not be wiped out. The bitterness rather deepened for a while against the defeated faction. The General Assembly in 1782 passed an act[20] of wholesale confiscation of the property of a long list of Loyalists, beginning with Governors Tryon and Martin and including all who were prominent as royal sympathizers. The treaty of peace between England and the United States in 1784 was careful to provide for rights of return to all fugitive Loyalists and for a restitution of their property. But North Carolina was in no more conciliatory mood toward the defeated Tories in 1784 than in 1782. The victors were unwilling to give up the large amount of confiscated property.[21] The radicals, headed by Jones and now in a large majority, were too conscious of the state's individual sovereignty and too proud of its newly won independence to defer materially to the obligations incurred by the Congress of the loosely jointed Confederation.

A few only were sufficiently imbued with ideas of international honor to enable them to rise above factional hatred. These belonged mainly to the party of Johnston and represented the conservative minority. Among them were Johnston, James Iredell, Alexander Maclaine, Wm. R. Davie and Wm. Hooper — each a man of political energy. They watched with jealous care the growth of their party sentiment and deprecated the evident tendency of the radical majority to individualize the state and place its interests paramount to those of the Confederation. It was the conservative party, therefore, which received with eagerness the

[19] See Autobiography of Edmund Fanning, the notorious N. C. Tory leader.
[20] Laws of North Carolina, 1782, 418.
[21] McRee, II, 93, Iredell to Pierce Butler.

idea of a reform in the Articles of Confederation.[27] Anarchy not only in international obligations but in finance and in justice, and a general failure to realize the blessings that independence seemed to promise had succeeded the treaty of peace. The conservatives in North Carolina furnished a full share of the sentiment which was growing strong throughout the country, and demanded a closer union of the states as a means of ending the confused condition into which they were falling.

But with the majority in North Carolina the movement for creating an efficient union gathered force slowly. The party in power by no means despaired of the state or showed signs of a loss of faith in independent state democracy. Willie Jones was a personal friend of Thomas Jefferson and possessed even more democratic ideals than the Virginia leader. The fundamental key-note of Jones' position was an independent state democracy administered along fraternal lines and with just so much connection with the other states as to insure peace between them. This spirit of particularism Jones carefully fostered in his party, the members of which, for a number of years, accepted his views as reënacted law.

The general result of this state rights or particularistic spirit was an almost total lack of interest by the majority party in the affairs of the Confederation. State politics absorbed all its interests. Delegates were chosen to Congress but their seats were for the most part vacant. Throughout the year 1786 the chairman of Congress continually urged upon Governor Caswell the importance of having the state represented,[28] and the governor as continually urged the representatives to go forward, but it was not until June of that year that the first North Carolina delegate arrived in New York. Three delegates arrived in that month but almost immediately sought to be relieved by

[27] Maclaine to Will Hooper, N. C. State Records, XVI, 944.
[28] N. C. State Records, XVIII, 515, 659, et. seq.

other delegates who had not yet attended at all.[24] The idea prevailed that there should be rotation among the state delegates in the disagreeable task of attending Congress. In December, 1786, the state was again totally unrepresented. The lack of sufficient remuneration and the slow methods of transportation, as well as the general want of interest in Confederation affairs, increased the disinclination to serve in Congress. The salaries of the North Carolina delegates were sixty-four pounds each per month, paid by warrants on the state treasury in depreciated state paper currency. The depleted state of the treasury often rendered this difficult of collection.[25] But, despite the lack of interest manifested by North Carolina and by members of the other states, the American Confederation was now on the eve of a marvellous political change, a change the more wonderful in that it was not generally demanded by the thirteen independent sovereignties affected.

In February, 1786, Governor Caswell received the resolutions of Virginia respecting the appointment of commissioners to meet at Annapolis the following September for the purpose of taking into consideration the trade of the United States and to report on some method of securing unity of action and harmony between their jangling interests. The Assembly not being in session Governor Caswell, by the advice of his council, appointed five commissioners[26] to attend at the time, place, and for the purpose named. Caswell, who stood in politics midway between the radicals and the conservatives, showed an earnest desire that the appointees should attend and urged them to do so.[27] Only one of the number, however, Hugh Williamson, made an effort to be present. After some delay by weather and bad travel he reached Annapolis on the fourteenth of September, the day the Convention adjourned.

[24] Timothy Bloodworth to Gov. Caswell, Sept. 4, 1786, N. C. Records, XVIII, 724, and Chas. Johnston to Caswell, 773.
[25] N. C. Records, XVIII, 309. Report of Legislative Committee.
[26] N. C., State Records, XVIII, 650.
[27] Ibid., XVIII, 682. Letters to the Commissioners.

Though not having effected its immediate purpose of regulating interstate trade, the Annapolis Convention served a larger purpose in its recommendations to Congress to call a constitutional convention. Acting upon this recommendation, Congress, within the same month, invited the thirteen states to send delegates to Philadelphia in May, 1787, for the purpose of providing remedies for the weakness of the existing Union.

The General Assembly of North Carolina on the eighteenth of November responded by the appointment of a delegation of five. As named by the Assembly the delegation consisted of Willie Jones, Alexander Martin, Richard Dobbs Spaight, William R. Davie, and Governor Caswell. It was understood that three of these,[28] Jones, Martin, and Caswell, were state rights men. Spaight and Davie were avowedly favorable to the idea of greatly strengthening the federal government.[29] The preamble to the act[30] of appointment, however, embodied the sentiments of the conservatives and seems to have been due to their exertions. Perhaps it was on this account as much as for his lack of sympathy with the proposal to strengthen the Union at the expense of the privileges of the states that Jones at once declined to serve on the delegation. The governor, so empowered by the act, filled the vacancy by the appointment of Hugh Williamson, and also appointed William Blount in his own stead.[31] Both Williamson and Blount classed as conservatives, hence the complexion of the delegation was entirely changed. Only one radical, ex-Governor Martin, remained among the whole number of five composing the commission.

When the Constitutional Convention began regular sessions at Philadelphia on the twenty-fifth of May, 1787, with George Washington as president, only one of North Carolina's delegation, William R. Davie, had arrived. The remaining members, however, appeared soon after organiza-

[28] McRee, II, 151. Iredell to Mrs. Iredell, Sept. 30, 1786.
[29] Ibid., II, 168, Spaight to Iredell.
[30] Public Acts of N. C., 1786, 412.
[31] N. C. State Records, XX, 637, 683.

tion. Great unanimity prevailed among the five throughout the period of the Convention, and Martin acted with his colleagues apparently without reference to party affiliation. The delegates seemed conscious of the importance of the crisis and its probable influence upon the destiny of America. On the fourteenth of June the commission wrote[32] to Governor Caswell: "A very large field presents to our view, without a single straight or eligible road that has been trodden by the feet of nations. A union of Sovereign States, preserving their civil liberties and connected by such ties as to preserve permanent and effective Governments . . . is a circumstance that has not occurred in the history of man." The tone of this whole letter shows conclusively that no thought had ever occurred to the delegates that North Carolina would divest herself of sovereignty in the process of union with the other states.

The injunction of secrecy laid by the Convention upon itself prevented members from keeping their states informed as to the progress of the Convention's labors. But a correspondence kept up between the North Carolina delegates and prominent men at home enabled the delegates to judge the temper of the state. Governor Caswell wrote, July 26, to Spaight: "From the hint you threw out in your first letter I am induced to think that the plan of a National Parliament and Supreme Executive, with adequate powers to the Government of the Union, will be more suitable to our situation than any other; but I should wish also an independent judicial department to decide any contest that may happen between the United States and individual states, and between one state and another."[33] Davie wrote James Iredell, the ablest advocate of North Carolina, to inquire as to how far the introduction of judicial powers, derived from Congress, would be politic and practicable in the state.[34] As we shall see later, the operation of a federal

[32] N. C. State Records, XX, 323.
[33] N. C. Records XX, 752. From Executive Letter-Book.
[34] McRee, Life and Correspondence of James Iredell, II, 161.

judiciary was the feature of the Constitution most dreaded by the people of North Carolina.

In the Convention North Carolina, as one of the largest states, naturally used her vote to preserve this advantage. Her delegation from the first demanded representation in proportion to population in both House and Senate, but finally agreed to equality in the latter on condition that money bills should originate in the former. When the question of the method of choosing Senators came up Davie insisted on their election by state legislatures.[35] He brought the remainder of the delegation to this view, and cast the vote of the state for that method in opposition to the plan, supported by Massachusetts, Virginia, and South Carolina, of election by the House from nominations made by the state legislatures. In the discussions upon this topic Mr. Davie clearly indicated his views as to the nature of the government in process of formation.[36] It was, he said, partly federal and partly national: "It ought in some respects to operate on the states, in others on the people." Alexander Martin said: "United America must have one general interest to be a nation, at the same time preserving the particular interests of the states."[37]

Naturally North Carolina's vote in each instance[38] was cast in support of the southern demand that at least three-fifths of the slaves should be included in the apportionment of Representatives in the House. In this connection Davie pointed out that North Carolina would never confederate on any terms that did not rate the blacks at three-fifths. "If the Eastern States meant, therefore," he said, "to exclude them altogether, the business was at an end."[39] Wil-

[35] Madison Papers, Supplementary to Elliot's Debates on the Federal Constitution, V, 265.
[36] Ibid., V, 265, 281.
[37] N. C. Records, XX, 753. Martin to Governor Caswell. With Martin, however, the political pendulum had swung so far away from particularism that events were soon to prove that he had lost the confidence of his party.
[38] Madison Papers, Supplementary to Elliot's Debates, V, 301, 471.
[39] Ibid., 303.

liamson held the same view.[40] The North Carolina delegation were lukewarm as to the continuation of the slave-trade but voted with South Carolina and Georgia, apparently[41] from a fear that these states would reject the Constitution if the trade was abolished at once.

In the apportionment of Representatives in the lower branch of Congress the Convention allotted only five members to North Carolina. This number just equalled one-thirteenth of the whole number to compose the first Congress. The state's share of the debt of the Confederation had in no year been rated as high as one-thirteenth of the total; therefore, lest a present increase in the apportioned number of Representatives should mean also a corresponding increase in the state's share of the common debt, the delegates from North Carolina contented themselves with the number assigned until the new apportionment.[42] In 1790 a general census was to be taken, and thereafter 30,000 of population, including three-fifths of the slaves, should be the unit of representation.

When the Convention finished its labors at Philadelphia three members only signed the Constitution for North Carolina, one[43] of these doing so with the expressed reservation that the action did not bind him to the support of the instrument in his own state. Dissension had broken out afresh among the delegates from the various states at the very last moment. Many expressed themselves as dissatisfied with the final result. Davie and Martin had returned home to meet business engagements just before the Constitution came from the committee in completed form, but Davie would certainly have signed and Martin very probably.

While the report of the Philadelphia Convention was still in the hands of Congress, North Carolina held her annual election for members of the General Assembly. It was

[40] Madison Papers, Supplementary to Elliot's Debates, V, 296.
[41] Ibid., 460. Speech of Williamson.
[42] N. C. State Records, XX, 778. The Delegates to Governor Caswell.
[43] Wm. Blount.

felt that this election was the preliminary skirmish of the war to be waged over the adoption of the federal constitution, hence an unusual degree of interest was awakened forthwith. The conservatives, now beginning to call themselves federal men, made strenuous efforts to control the approaching Assembly. They were so far successful that when the Assembly met in November they were able on joint ballot to elect Samuel Johnston governor and to call a state convention to meet at Hillsboro in the following July to pass upon the Constitution. At the beginning of the year Johnston was inducted into office with great enthusiasm, his election appearing to the federalists as an augury of success for the Constitution.[44] Others, however, were not deceived as to the shoals ahead.[45] The radical leaders, now anti-federalists, aroused themselves to the greatest activity, determined to secure an overwhelming majority in the convention. Willie Jones began early in 1788 to marshal his forces. Residing at Halifax on the Roanoke, he personally directed the campaign in the eastern and northeastern sections of the state. Able lieutenants directed it elsewhere. Timothy Bloodworth, a blacksmith, led the party in the southern or Wilmington district; David Calwell, a pure and patriotic Presbyterian divine, had a large influence in the central counties, and that of Judge Samuel Spencer and Major Joseph McDonnell, of King's Mountain fame, was the most prominent in the west.

The party cue was given by Jones at Halifax.[46] The federal judiciary, he said, would play havoc with the authority of the state's courts; the poor were to be ruined by money collections and federal taxation; there was no provision for freedom of conscience. All these ideas, and others of like tenor, were potent arguments to the average North Carolinian against surrendering his dearly bought liberties to an untried form of government. The state judiciary,

[44] Davie to Iredell, McRee, II, 217.
[45] Maclaine to Iredell, Dec. 25, 1787, McRee, II, 183.
[46] McRee, II, 217. Davie to Iredell, outlining Jones' position. Davie was neighbor to Jones at Halifax.

from the first, was practically unanimous in opposition to the Constitution.[47] Party lines were closely drawn. On account of his compliant attitude at Philadelphia Alexander Martin was now rejected by his former constituents. The western country generally was decidedly opposed to the Constitution; the Cape Fear region was generally favorable; and the eastern country, where all the federal leaders resided, was closely contested. In Dobbs, an eastern county, the federalists, finding that they were in danger of losing the election, raised a riot, put out the candles, destroyed the books and knocked to pieces the ballot-boxes.[48] Generally, however, the elections took place without fraud or violence and were for the most part favorable to the anti-federalists.

Absolute and final rejection of the Federal Constitution seemed to be the first plan of the North Carolina anti-federal leaders. Before the Hillsboro convention met, however, ten states, among them Virginia, had ratified the Constitution. Jones, therefore, announced[49] his purpose of procuring rejection in order to give weight to the amendments which the states were preparing. The federalists redoubled their efforts. They believed now that the convention would have an issue favorable to the Constitution despite the anti-federal election successes.[50] Their faith was grounded on the assumption that the weight of the decision of the ten states, which had already secured the new form of government, would be a moral force sufficiently strong to induce compliance by North Carolina. Iredell issued a strongly written pamphlet[51] in which he answered the objections to the Constitution made by Mason of Virginia. A second pamphlet,[52]

[47] McRee, II, 183, Maclaine to Iredell.
[48] McRee, II, 221. Witherspoon to Iredell.
[49] Ibid., II, 230. Davie to Iredell, July 9, 1788.
[50] McRee, II, 341, Hooper to Iredell.
[51] This pamphlet was published under the pseudonym of "Marcus." It is republished in McRee, II, 186–215.
[52] McRee, in his Life and Correspondence of James Iredell, II, 232, makes the following characterization of Jones, which, to the writer, seems peculiarly fitting. "Willie Jones, of Halifax, was the most influential politician in the State: ultra-democratic in theory,

the joint product of the pens of Iredell and Davie, appeared a little later. In this the authors strove to meet the popular objections to a federal judiciary and to the absence in the Constitution of a guarantee that the states retained all the powers not delegated by them to the federal government.

The convention, consisting of two hundred and eighty-four members, met at Hillsboro, July 21, 1788. The prominent federalists present were Governor Johnston, James Iredell, William R. Davie, R. D. Spaight, and Alexander Maclaine. Counterbalancing these on the anti-federal side were Willie Jones, Timothy Bloodworth, David Calwell, Judge Samuel Spencer, and Joseph McDowell. Out of deference to his office the anti-federalists made no objection to the choice of Governor Johnston as president, his election being by unanimous vote. The federalists, conscious that they were greatly in the minority, nevertheless were not without hope that during the debates to follow a sufficient number of anti-federalists would be brought over to ratification by argument and by the late course of events in the other states.

Despite the size of his majority, Jones made a tactical error immediately after the convention had been organized. Alleging that every member's mind was made up, he moved,

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he was aristocratic in habits, tastes, pursuits, and prejudices: he lived sumptuously, and wore fine linen; he raced, hunted, and played cards; he was proud of his wealth and social position, and fastidious in the selection of associates for his family. A patriot in the Revolution, he was now (1788) the acknowledged head of a great party. He was jealous of his authority and prompt to meet any attempt to undermine his power. His knowledge of human nature was consummate; and in the arts of insinuation he was unrivalled. . . . Though generally relentless and uncompromising as a partisan, he had a generous heart and on more than one occasion, gave signal proof that he could soar above the murky atmosphere of party. He was a loving and cherished disciple of Jefferson, and was often taunted with his subserviency to Virginia 'abstractions.' He seldom shared in the discussions (on the floor of the convention). His time of action was chiefly during the hours of adjournment: Then it was that he stimulated the passions, aroused the suspicions, or moderated the ardor of his followers: then it was that, smoking his pipe, and chatting of crops, ploughs, stock, and dogs, he stole his way into the hearts of honest farmers and erected there thrones for himself."

in the interest of frugality and economy of the public funds, that the question upon the Constitution be put at once. He receded from this position, however, the moment it became evident that a majority desired to hear the Constitution discussed. His power reasserted itself in influencing his followers against entering into the debate. The floor of the convention was left to the advocates of the Constitution, the anti-federalists apparently constituting themselves into a jury before which that instrument was on trial. Again and again the federalists challenged them to debate the portions of the Constitution which, outside of the convention, had been declared objectionable.[53] Perseverance in this course finally drew the anti-federalists into debate and developed their position.

Their first objection was made to the caption "We, the people," with which the Constitution begins. Joseph Taylor, a decided state rights member, said: "*We, the people,* is surely an assumed power. . . . Had it said, We the *States,* there would have been a federal intention in it. But, sir, it is clear that a consolidation is intended. Will any gentleman say that a consolidated government will answer this country? It is too large. . . . We see plainly that men who come from New England are different from us. They are ignorant of our situation; they do not know the state of our country. They cannot with safety legislate for us."[54] Judge Spencer said: "The States (under the proposed constitution) do not act in their political capacities, but the government is prepared for individuals. . . . There ought, therefore, to be a bill of rights."[55] The federalists' reply to this argument was that in the Constitution all powers not given up by the states to our general government were retained by the respective states.

Indeed, on the question of the absence of a bill of rights the federalists assumed and held, throughout the period of

[53] Elliot's Debates, IV, 103, 107.
[54] Elliot's Debates, IV, 24. Ibid., IV., 152.
[55] Ibid., IV, 148.

the convention, a theory of the Constitution which, in after years, was the basis of the state rights doctrine and the theory upon which the South acted in 1861. On the floor of the convention Iredell said:[36] "Of what use, therefore, can a bill of rights be in this Constitution, where the people expressly declare how much power they do give, and consequently retain all they do not? It (the Constitution) is a delegation of particular powers by the people to their representatives for particular purposes. It may be considered as a great power of attorney, under which no power can be exercised but what is expressly given." Davie and Spaight, speaking more authoritatively because of their participation in the formation of the Constitution and hence, presumably, with better knowledge of its spirit, supported and reinforced this interpretation of Iredell. Nor do the exigencies of the political situation, though pressing, sufficiently account for this interpretation, so general among the federalists. Unquestionably the supporters of the Constitution in North Carolina held that instrument as a compact between the states and the federal government, their agent.

Second to the fear of consolidation and the absence of a bill of rights, the point of greatest objection raised by the anti-federalists was the operation of a federal judiciary within the limits of the state. Judge Spencer was ready to concede[37] that, in case federation was necessary, the federal judiciary should have appellate jurisdiction in certain cases that should be specifically enumerated and original jurisdiction in all maritime cases; but he thought that within the limits of a state the state's courts should carry into execution the laws of Congress. It was also conceded by the anti-federalists that a supreme federal court might justly have cognizance of controversies between two or more states and between citizens of the same state claiming lands under grants of different states. Further power over the individual they were unwilling to yield. Inasmuch as the

[36] Elliot's Debates, IV, 148.
[37] Elliot's Debates, IV, 155.

Constitution had left it to Congress to give definite form to the federal judicial system, the people undoubtedly feared to subject themselves to a power outside their own borders whose expression might touch the daily lives of individuals in an intricate and possibly oppressive manner. The absence of a guarantee of trial by jury increased the general distrust.

The convention remained in session eleven days. Toward its close every important feature of the Constitution had been discussed without any appreciable change of sentiment in either party. The anti-federalists showed no disposition to yield the point of ratification. The latent danger in the position of isolation which North Carolina would occupy, placed between the northern and southern sections of the Union, was recognized; but they believed that a good purpose could be served by non-ratification in that it would give weight to the general demand for amendments. Accordingly Jones reannounced non-adoption as the unchanged policy of his party.[58] The state ran no risk, he said, of being excluded from the Union when she wished to come in; Virginia would not oppose, and South Carolina and Georgia were deeply interested in North Carolina's accession; indeed twelve men, struggling under a heavy load, would not be likely to reject the assistance of a thirteenth. He quoted the well-known letter of Jefferson to Madison in which the hope was expressed that nine states would ratify in order to secure the Union, but that the remaining four would stand aloof until amendment was effected. Jones' reasoning was conclusive with his party. Taking the direction of the convention into his own hands, he now manoeuvred to bring about a vote which, though serving the same purpose, would not be a direct rejection. The result was a resolution[59] which asserted the necessity for a bill of rights and suggested that a second federal convention be called. To the resolution was appended a decla-

[58] Elliot's Debates, IV, 226.
[59] Elliot's Debates, IV, 242.

ration of rights similar to that in the state constitution and a list of twenty-six amendments.[60] The first amendment guaranteed the reserved rights of the states; the remainder for the most part were restrictions upon the federal executive and an enlargement of the powers of Congress relative to the other two branches.

The anti-federalists carried the resolution and appendages by a final vote of 184 to 84. A motion by a federalist to substitute a ratifying resolution was defeated by the same majority of one hundred. That the state might be in line to accede to the Constitution when it wished and in the mean time not bring upon itself the results of possible hostile trade regulations by Congress, the convention passed a second resolution offered by Jones which recommended to the state legislature that, whenever Congress should pass a law for collecting an impost in the states which had ratified, a similar impost should be laid on goods imported into North Carolina and the money arising therefrom be appropriated to the use of Congress. The convention adjourned *sine die* August 4.

Immediately after the adjournment of the North Carolina convention the news came that New York, the eleventh state, had ratified. Rhode Island and North Carolina only were without the federal pale. The federalists renewed their activity and public opinion now began to veer around rapidly. Friends of the Constitution in almost every town and county joined in petitions to the General Assembly asking the call of a second state convention. The state was on the eve of the annual August election for assemblymen, and the petitions were to be ready for presentation when the Assembly should meet in November. Upon a suggestion from Governor Johnston the petitioners preserved in the large number of petitions[61] prepared a fair degree of uniformity. They emphasized mainly the benefits to be de-

[60] Elliot's Debates, IV, 244.

[61] These petitions are found in manuscript in the N. C. Archives, Office of Secretary of State, Raleigh.

rived from a firm union with the other states and the desirability of the state's being in the Union when the anticipated amendments should be formed, so that her influence might be felt as to their content.

The federalists made large gains throughout the state in the election of assemblymen. A most rapid change of sentiment had especially manifested itself in the western counties. This western region generally, on both sides of the mountains, had sent up anti-federal delegates to the Hillsboro Convention in July, but in August elected federalists to the Assembly. The trans-mountain men, the inhabitants of the abortive state of Franklin,[62] were returning to their allegiance to North Carolina, and sent federalists to the Assembly in the hope that, should the Constitution be ratified, the trans-mountain country would be at once ceded to the federal government and their aspirations to statehood satisfied. Governor Johnston encouraged[63] this hope enough to secure their support of the convention measure. Moreover, the sudden threat of a general Indian war had alarmed the whole western country on both sides of the mountains in the fall of 1788, and caused a very widespread appreciation of the benefits to be derived from membership in the Union and its consequent protection.

Though the swing of the political pendulum was now toward federalism, Jones exerted all his powers to stay its momentum. He declared that North Carolina should remain out of the Union for at least five or six years; that this length of time should elapse before the federal judiciary was "let in upon" the people. Centralization and the loss of dearly bought liberties were his themes. Though he

[62] Ramsey, J. G. M. Annals of Tennessee, 283–540. The inhabitants of the territory of North Carolina west of the Great Smoky Mountains in 1784 erected a revolutionary state which they called Franklin, and maintained it against the authority of North Carolina until 1788. The questions involved were similar to those in the Regulators' War of 1769–71. In fact, in many of its phases it was a repetition of this struggle, with the scene shifted across the mountains.

[63] McRee, II, 244, Johnston to Iredell.

strengthened the party somewhat in his own district, Jones could not counterbalance the general gains of the federalists.

When the Assembly met in November its membership was found to be almost evenly divided between the parties. This represented a marvelous decrease in the strength of the anti-federalists as compared with their majority in the convention in July. The petitions for a new convention now came in large numbers.[64] It was evident that public opinion demanded that the Constitution should be considered anew. A convention bill was prepared and passed; but the anti-federalists were strong enough to fix the time of meeting far beyond that planned by the federalists. The date fixed upon was November 16, 1789, six months after the first Congress would convene under authority of the Constitution. With this the federalists had perforce to content themselves.

Though the feeling of sisterhood engendered between the states during the Revolution prevented North Carolina and Rhode Island from being regarded as actual foreign territories when the government of the new Union went into operation in April, 1789, it never occurred to any one to look upon them as other than independent sovereignties. Since the resolution of the Philadelphia Convention made the Constitution binding only on those states that would ratify it, in no quarter of the Union did the view obtain that the states still outside were other than political entities, subject only to the collective will of the people of the respective states in question. When impost and tonnage bills were introduced early in the first session of the first Congress there were some proposals so to regulate them that North Carolina would be treated as a foreign state.[65] The object of course was to bring to bear economic pressure sufficiently heavy to induce her to enter the Union. Hugh Williamson, acting as agent of North Carolina in Congress,

[64] Journals, N. C. Records, XXI, 5, 8, 20, 1788–1789.
[65] McRee, II, Senator Pierce Butler of South Carolina to James Iredell, August 11, 1789.

felt it incumbent upon himself to memorialize that body on the subject.[66] He urged forbearance, for, he said, only a little time was needed to bring his state into the sisterhood. The proposed hostile clauses, however, had not been seriously entertained. The attitude of the states in the Union toward those outside was one of courteous invitation. Some of them felt perhaps as did the fox in the fable; having lost their own tails they wished North Carolina to do likewise. Already a "southern interest," as opposed to northern interests, was recognized by southern public men, and these devoutly wished for the accession of North Carolina as a means of preserving a balance of power.[67]

The second North Carolina convention called to consider the federal Constitution met November 16, 1789, and five days later passed an ordinance of ratification by a majority of 118 votes. The journal[68] of the six days' session contains the bare outline of the proceedings, hence it is impossible to determine the spirit of the debates unless extant correspondence of federalists be accepted. Governor Johnston wrote that the opposition was "still violent and virulent"; and Davie upon the first day was doubtful whether ratification could be effected.[69]

But Davie had signally failed to estimate correctly the rapidity with which sentiment for union had developed since the adjournment of the Hillsboro Convention, now more than a year past. Moreover, the position the federalist leaders themselves had taken in defense of the Constitution had labelled them as thorough state rights men provided they had the state once inside the Union. Their speeches in the Hillsboro Convention, the propaganda they had industriously circulated after this convention, and their general attitude toward union conclusively show that they regarded the Constitution as a federal compact and the general gov-

[66] Williamson to Congress, MS., State Archives.
[67] Cf. Pierce Butler to James Iredell, McRee, II, 263.
[68] Journal of the Fayetteville Convention, 1789, in N. C. State Records, XXII, 36–53.
[69] McRee, II, 271. Davie to Iredell.

ernment as the agent of the states creating it. With this ideal held before the anti-federalists enough of them bowed their heads to enable the state to give sanction to the Constitution.

Whatever form of government the logic of subsequent events may have shown the Constitution to have created, no one could become familiar with the spirit prevalent in both parties in North Carolina in 1789 without feeling that the adoption of the Constitution was based on a belief that it created a governmental compact, with powers superior to those of the old Articles of Confederation only for the purpose of efficient practical administration. Although North Carolina entered the Union only after hesitancy and mature deliberation, yet her subsequent history proved her loyalty to it as long as the Constitution represented her interpretation of its provisions.

CHAPTER II.

A Half-Century Under the Constitution.

No abrupt change occurred in the course of her internal affairs when North Carolina entered the federal Union. Local feeling and thought adjust themselves slowly to political changes in external relations unless the changed relations be so radical as to touch intimately the daily life of the individual. In North Carolina a majority trusted that the new form of government would prove its right to exist, but few believed in its perfection. To the country at large the government was as yet a political experiment; nor did the Constitution command universal respect. The anti-federalists soon formed themselves into the Republican party and assumed the rôle of critic.

Ratification had been effected in North Carolina during a surface reaction from the tendency toward state individualism represented by Willie Jones. Once inside the Union, however, the advantages arising therefrom began to manifest themselves and prevented a decided second reaction, but the adjustment to the new order of things was not without jars and friction between federal and state authority. Two incidents occurred in 1790 which, though small in themselves, nevertheless served to show how lightly the federal authority was held during the first years of the Union. Congress had passed an act in June, 1789, prescribing an oath of office in support of the Constitution for such state officials as governors, members of the legislature, and others. When the excitement arose in the last months of 1790 over Hamilton's scheme for federal assumption of state debts, the popular branch of the North Carolina General Assembly, much opposed to assumption, refused by a vote of 55 to 26 to take the oath to support the federal Constitution.[1]

[1] Journal of the House. N. C. State Records, XXI, 1021.

The second incident concerned the adjustment of the federal judiciary. A *writ of certiorari* was issued from the federal district court of North Carolina by the direction of three of the United States Supreme Court judges (Blair, Rutledge, and Wilson), directed to the Court of Equity in North Carolina, for bringing up an equity case.[2] The state judges refused obedience to the writ and denied the Supreme Court's authority in the case. The General Assembly at once passed a vote of thanks[3] to the judges for their action. The case was never acted on afterward and with the early reform of the judiciary was thrown out.

The Assembly passed strong resolutions[4] against the assumption and funding measures of Hamilton, and peremptorily instructed the state's Senators, Samuel Johnston and Benjamin Hawkins, to oppose any excise or direct tax by the federal government.[5] The North Carolina members of the House of Representatives, though not yet all arrived, were opposed to the whole scheme. In the debates upon the question Hugh Williamson alleged that "assumption" would be interference with the reserved rights of the states and contradictory to the interpretation North Carolina had put upon the Constitution in her act of ratification. He cited an amendment which had unanimously passed her ratification convention and had been proposed to Congress with the expectation of favorable action. The amendment in question declared that Congress should not directly or indirectly, either by itself or through the judiciary, interfere with any state in its plans for liquidating and discharging its public debt. Williamson showed[6] that North Carolina was ready to account according to the spirit of the original contract, a contract that had not been altered by the formation of a new government. His plan was that a

[2] Dallas, U. S. Supreme Court Reports, II, 412.
[3] N. C. State Records, XXI, 1054.
[4] N. C. State Records, XXI, 1055.
[5] Ibid., XXI, 1029, 1049.
[6] Gales and Seaton. Hist. of Congress, I, 1490, Speech of Hugh Williamson on Assumption.

settlement should first be made between the federal government and the individual states, and the federal government then be allowed to assume the remainder still due from the country.

The attitude of North Carolina materially delayed the assumption program. Smith of South Carolina, Sedgwick of Massachusetts, and Jackson of Georgia replied at length to Williamson's speech. Jackson's position was one of conciliation. He said: "A bare majority, if the measure be carried, is all that can be expected, and I will ask if this bare majority would satisfy North Carolina? Suppose it carried by this majority, and the people of North Carolina will not submit, is it intended to reduce them to obedience by force? Is this a language for freemen? . . . Reconcile them to the measure; bring forward your funds; show them they are not to be oppressed, and you will accomplish this business much sooner."[1] In the mean time the remainder of the North Carolina delegation arrived in New York. Their accession made the non-assumption party the stronger, and thereupon the debates upon the subject ended for the time. The proposition was not again brought forward until the opportunity occurred later to pair it with the controversy between the northern and southern states over the seat for the federal capital. The outcome was the well-known compromise by which the states' debts were assumed and the site for the capital located on the banks of the Potomac.

The federal excise laws of 1791, from which the assumptionists purposed to derive the funds to carry out their measures, occasioned great ferment in all the mountainous region of the United States. The greatest storm center was western Pennsylvania, the trouble there culminating in 1794 in the "Whiskey Insurrection." In western North Carolina, if resistance to the excise laws was less organized, it was not the less effective. Distillers refused to pay the tax; federal collectors were powerless and discreetly remained

[1] Gales and Seaton, Hist. of Cong., II, 1505.

out of the excited localities. The spirit of resistance spread also to the eastern counties and the popular ferment did not abate until the excise laws were amended.[8]

A general discontent with the measures which Congress had deemed necessary for adjustment of the new régime accelerated in North Carolina the reaction to anti-federalism. The first political victim of the reaction was Samuel Johnston, who, regarded as the most uncompromising federalist in the state, failed to secure his reëlection to the United States Senate when his term expired in March, 1792. Alexander Martin was chosen as his successor. Martin ranked as a radical until his return from the Philadelphia Convention in 1787, after which he continuously advocated the adoption of the Constitution and in 1789 was elected governor by the federalists in recognition of his services. In 1792 he was again in the confidence of the anti-federalists and owed to them his election to the Senate. In the congressional elections of 1793 the anti-federalists were successful in every district save one—the Scotch district in the Cape Fear region.[9] With Johnston retired to private life the remaining federalist leaders quietly supported practically the same state rights principles as the anti-federalists. James Iredell, whom Washington had appointed to the Supreme Court bench, set them the example in his dissenting opinion in the case of *Chisholm vs. Georgia*.[10]

This case, before the Supreme Court of the United States in 1792 and 1793, raised the question whether a state could be sued by a citizen of another state and, bearing directly upon the question of state sovereignty, thus attracted general attention. The opinion of the Court affirmed the right of suit by a citizen and that the state was amenable to the jurisdiction of the Supreme Court, thus deciding against

[8] McRee, II, 330, 335, cf. Davie to Iredell, August 2, 1791, and Johnston to Iredell, April 15, 1791.

[9] Under the new apportionment on the basis of the census of 1790 North Carolina now had ten Representatives.

[10] For the report of this important case see Dallas' U. S. Supreme Court Reports, II, 419–480.

Georgia and in favor of Chisholm, a citizen of South Carolina.

Justice Iredell, however, wrote a dissenting opinion which contained the first expression of state rights doctrine emanating from the Supreme Court. Iredell argued that the states were successors to the sovereignty wrenched from the English crown, and upon this he built up the theory of delegated or divided sovereignty, holding that every state in the Union, in every instance where its sovereignty had not been delegated to the United States, was as completely sovereign as were the United States in respect to the powers delegated by the federal compact. A state, remaining sovereign, could not, therefore, be sued by individuals. Georgia acted upon the theory laid down by Iredell and stood at defiance. The judgment remained unenforced until the eleventh amendment to the United States Constitution, ratified in 1798, removed such questions from the cognizance of the Court.

The Republican party throughout the country received Iredell's opinion as an exposition of its own theory of a definite line of demarcation between the rights reserved by the states and those delegated to the federal government. The opinion is the more interesting in this connection because of Iredell's influence upon the adoption of the Constitution by North Carolina. His interpretation of its provisions in 1793 was in the same state rights spirit with which he had defended it in 1788–1789.

The Alien and Sedition Acts passed by Congress in June and July, 1798, gave the Republicans their next opportunity to raise the state rights issue. These acts placed large discretionary power in the hands of the President and had a decided monarchical flavor. The Kentucky Resolutions,[11] passed in protest at the instance of Thomas Jefferson, made a great advance on the doctrine contained in Iredell's opinion in the Georgia case. In these Resolutions each state, as a party to the Constitutional compact, to which it had acceded as a state, was declared to be its own final judge as to

[11] Elliot's Debates, IV, 540. Preston's Documents, 295.

infractions of the Constitution by the federal government; and whenever the federal government assumed undelegated powers its acts were unauthoritative, void, and of no force. The Alien and Sedition Acts were declared to be the product of assumed powers and therefore void. Resolutions followed from Virginia[12] supporting those of Kentucky. Copies of both were sent to all the other states.

The time of their reception in North Carolina was unpropitious for their success in creating sentiment against the government. Wm. R. Davie was governor and, though ranking as a state rights federalist, was zealous for the safety of the Union. He immediately took the ground that at this particular juncture the Union's existence was in more danger than the rights of the states,[13] and he therefore threw all his influence against any legislative cooperation with Virginia and Kentucky. The Kentucky Resolution came before the North Carolina Assembly December 21, 1798, and on the twenty-fourth a mild resolution was introduced in the senate expressing the pain with which the body viewed the enactment of the Alien and Sedition laws. Davie's followers secured its rejection by a close vote.[14] The lower house on the same day passed a somewhat stronger resolution[15] and, disregarding the senate, ordered copies forwarded to Senators and Representatives. No joint action was ever had. But the attitude of North Carolina toward the "Doctrine of 1798" was not one of hostility. Her non-action was due to the disinclination on the part of the state administration to encourage dissensions at a time of such high party feeling.

[12] Elliot's Debates, IV, 528.

[13] Governor Davie's alarm was genuine. In the summer of 1799, having closely interviewed some gentlemen just returned from the races at Petersburg, Virginia, he wrote Judge Iredell that the Virginia leaders seemed determined upon the overthrow of the general government; that if no other method would effect it, they would risk it upon the chances of war. He understood that some of them talked of seceding, while others advocated the policy and practicability of severing the Union into two portions. McRee, II, Davie to Iredell, June 17, 1799.

[14] Journal of the N. C. Senate, 1798, 75–77.

[15] Journal of the N. C. House of Commons, 1798, 78.

When a successor to President Washington was to be chosen in 1796, nine North Carolina districts chose Jefferson electors and one, the Scotch district, an Adams elector. But in 1800, as the storm and stress of federal politics increased, the old federalist forces began to fear for the safety of the Union, and the party showed signs of reviving strength.[16] The Jay Treaty, the Alien and Sedition Acts, and the "Resolutions of '98," together with personal jealousies of the national leaders, had all combined to lend a bitterness to the presidential contest in 1800 that caused a very general apprehension of the disruption of the Union.[17]

The result of this apprehension in North Carolina enabled the federalists to carry four electoral districts for Adams, one of them being the western or Salisbury district. The Republican defeat here marked the beginning of the reversion of the whole western half of the state to its old principle of antagonism to eastern control,[18] under whatever party name the control might be exercised. Though the federalists had made a good fight for regeneration of their party they were now practically without a state leader of note. Iredell had died in 1799; Samuel Johnston had passed into pettish and grumbling retirement; Wm. R. Davie had accepted President Adams' appointment as one of the three envoys extraordinary[19] to the Court of the first Consul. Thus, stripped of its old prominent leaders, the federalist party in North Carolina fell into complete disorganization upon the election of Jefferson to the presidency in 1800. Thereafter the several districts which remained federalist were animated more by sectional state issues than by differences with the Republicans on national questions.

The Republican party on the other hand now rapidly entrenched itself in places of power. Through Representative

[16] Raleigh Register, Dec. 3, 1799.
[17] Cf. Von Holst, Constitutional and Political History of the United States, I, 168.
[18] Infra, Chap. III.
[19] This was Adams' famous second mission to France, composed of Oliver Elsworth, Wm. Vans Murray and Davie. The latter was appointed to fill the place declined by Patrick Henry.

Nathaniel Macon, Jefferson judiciously used the federal patronage in the state appointments, only those of unquestioned loyalty to Republican principles being placed in office.[20] Macon was a worthy disciple of Willie Jones, with even more ultra-democratic principles than his political preceptor. He had been in Congress since 1791 and by the end of the century had assumed the leadership of the party relinquished by Jones. His position in national politics as speaker of the House of Representatives from 1801 to 1806 did not lessen his interest in party affairs in the state.

For the first two decades of the new century North Carolina, Republican throughout in each branch of her government, uniformly supported the successive national administrations of the Republican party. The problem before the general government during the first fifteen years was to prevent the humiliation and commercial ruin of the young republic at the hands of either France or England. The protests of the northern federalists when in 1812 Madison's administration opened war on England found no answering echo among their former party associates in North Carolina.[21] Still more profound was the silence when the New England federalists in 1814 met in the Hartford Convention for the generally understood purpose of forcing a peace with England, or, failing in that, of possibly seceding from the Union.[22]

Since the Hartford Convention practically reasserted only the doctrine laid down in the Kentucky Resolutions of 1798,[23] the Republican party, with state rights as its cardinal principle, could attack the policy of the New England states only on the ground that their action was a betrayal of the cause of common defense. North Carolina Repub-

[20] Dodd. Life of Nathaniel Macon, 169.

[21] Cf. Message of Gov. Wm. Hawkins to the North Carolina General Assembly, Nov. 18, 1812, Executive Letter-book.

[22] The report of the Hartford Convention is given in 7 Niles' Register, 305–313.

[23] Von. Holst, I, 268, holds that the theory in the Kentucky Resolutions was identical with that upon which the Hartford Convention acted.

licanism, therefore, freely conceded to Massachusetts and her neighbors at Hartford the right to speak their sovereign wills. But the concession was coupled with the suggestion that they should speak through their legislatures, and at a time when all were not endangered by a public enemy; in short, that "they should speak like Americans."[24] The timely ending of the war relieved the situation for the Republican party at large, and the chief result of the Hartford Convention was to draw odium upon the federalist party sufficient to assure its swift dissolution.

From 1815 to 1820 North Carolina, in common with the rest of the Union, enjoyed a period of political calm which came as a welcome relief after the party strife and turmoil preceding and accompanying the war with England. The people seemed satisfied with the type of Republicanism administered successively by Jefferson, Madison and Monroe. The Union, now that it had stood the test of a war, became a fixture in the political conceptions of the people; sentiment, as well as political wisdom and experience, was beginning to form a bulwark for its protection.[25]

The period of calm was soon broken, however, by the development of a serious political contest between the North and the South over slavery. Its occasion was the application of Missouri to be admitted into the Union as a slave state.

A North Carolina newspaper of February 26, 1819, gave the first intimation to the people of the state that the question had been opened as a sectional issue. It said: "In the House of Representatives yesterday a decision took place in a committee of the whole, which, if confirmed by the House, may be expected to have an important bearing on the political relations of the several states."[26] This decision was to require of Missouri, as the condition of her admission, the

[24] Raleigh Register, Dec. 8, 1814, and Jan. 27, 1815.

[25] 17 Niles' Register, 31, has a very interesting account at this date of a fervent prayer for the permanence of the Union uttered by a North Carolina Revolutionary veteran upon his death-bed.

[26] American Recorder, Feb. 26, 1819.

prohibition of further introduction of slaves and the emancipation of all slave children after the admission as soon as they reached the age of twenty-five. This was the first instance of such a condition being proposed as the condition of admission for a new state, and the South at once saw in it a purpose on the part of the free states to circumscribe and finally to strangle slavery just when, on account of the increased demand for cotton by Europe since the war of 1812, the institution was beginning to return a very large profit.[27] The Missouri Compromise and its discussion, therefore, clearly demonstrated that in slavery arose the gravest domestic question hitherto set for the solution of the American people. Strict construction and state rights, less emphasized in the South since the Republican ascendancy in 1800, now assumed their old-time prominence.

The North Carolina legislature gave no official utterance to the sentiment of the state upon the Missouri question, so that we must rely upon the newspapers and the expressions of public men for local public opinion. Newspapers were just beginning to exercise that powerful influence upon North Carolina politics which reached its climax with the group of strong editor-politicians of the period of 1850–1860. The Raleigh *Register*, the official mouthpiece of the Republican party since its establishment in 1799, published both sides of the Missouri debates, beginning with the speech of Otis of Massachusetts and continuing through the series.[28] Its editorials were in the orthodox vein of decided opposition to any restriction upon Missouri. The *Minerva*, claiming no party name, but representing what little opposition to the Republicans remained over from the old federalist days, assumed an attitude very different to the *Register*. It said, January 28, 1820: "We doubt whether it be possible to answer Mr. King's speech of the last session against granting to this new state (Missouri) the privilege of holding our fellowmen in bondage. Yet our northern

[27] Cf. Von Holst, I, 423.
[28] Raleigh Register, March 3, 1820, et seq.

brethren will generously remember that it is not always possible for the most honest to be just." A month later the same paper asserted the constitutionality of restriction,[29] and added: "It is equally certain that true policy forbids the *extension*, as it submits to the toleration of slavery." Proceeding, this editorial predicted that inasmuch as the evil of slavery was of such magnitude and involved a species of property which was bolstered up by the stubbornness of interest and prejudice, half a century would be required to extirpate it. Two weeks later the *Minerva* declared an open and definite hostility to the extension of slavery and began to advocate some form of gradual emancipation.[30] Letters and addresses were published weekly on the subject, even the academic productions of college students on the rights of man, including the slave, finding ready welcome in its columns.[31]

Though the *Minerva* voiced the known sentiment of several detached groups in North Carolina,[32] and undoubtedly that of even a respectable minority throughout the state, those who had such opinions as to slavery restrictions were totally unorganized and their power, therefore, was correspondingly ineffectual. Yet on the Missouri question the difference in sentiment between the North Carolina members in Congress was scarcely less radical than that between the *Register* and the *Minerva*.

Nathaniel Macon, now in the Senate, represented as always the state rights Republicanism of the eastern North Carolina slave-holders. He opposed to the end the whole plan of the Compromise, on the ground that it would be an admission on the part of the South that Congress could set meets and bounds to slavery. He held that each new territory, when ready for statehood, should come into the

[29] The Minerva, Feb. 11, 1820.
[30] The Minerva, Feb. 25, 1820.
[31] Ibid., March 10, 1820, et seq.
[32] These groups were the Quaker counties—Guilford, Randolph and Chatham, the Moravian center at Salem, and the mountain counties where slavery was a subject of indifference.

Union with such institutions as it chose to adopt, provided such institutions were not repugnant to the ideas entertained by the states when they created the Union.[33] Macon cast his vote against the final passage of the measure and was followed by six of the state's Representatives in the House. Montford Stokes, Macon's colleague in the Senate, voted for the compromise measure in each stage of its progress. In a letter[34] to Governor Branch explaining his action Stokes made some general observations on the subject of slavery which evidently expressed the views of many others in the state.[35] He had voted for the Compromise, he said, in order that the South might secure the portion of the Louisiana Purchase below 36° 30′ as an asylum for slaves already too numerous to be comfortably supported in the southern border-states. Further, he had "a charitable and respectful regard for the feelings, and even the prejudices, of that great portion of the Northern people that was averse to slavery in any form, and that would join heartily with us in any constitutional measure to get rid of the evil."

This letter discloses conflicting sentiments. As a practical border-state politician Stokes felt that slavery might be rendered less an evil by its diffusion over a larger territory. A slave sold by a Virginia or North Carolina tobacco planter to a cotton planter in Alabama or Arkansas meant the transference of labor from a market over-supplied to one under-supplied. Such a transfer of a slave helped, to that extent, to relieve the congestion upon the tobacco plantation. At the same time his purchase price remained in the hands of the tobacco planter, probably to be expended in the purchase of necessary food and clothing for the already too numerous and yet ever increasing blacks.[36] It was thus,

[33] Annals of Congress. 16th Cong., 1st sess., I, 219, et seq., for Macon's speech on the Compromise plan.

[34] Publ. in Raleigh Register, March 17, 1820.

[35] The Western Carolinian, March 25, 1820, and Star, April 1, 1820, endorsed Stokes' views.

[36] The aggregate population of North Carolina in 1820 was 638,829. Of these 205,017 were slaves and 14,612 were free negroes. The great bulk of the slaves were in the north and middle east, *i. e.*,

as the representative of a border slave state, that Stokes spoke for the diffusion of slavery. On the contrary, his words relative to some constitutional method by which to rid the country of slavery must be regarded partially as spoken in a personal sense and partially as expressing the theoretical hostility to slavery of that section of North Carolina from which he came—the mountainous west.[37]

When the Missouri Compromise had passed into history a period of party fermentation began. The Republican party, occupying the whole field without a rival, embraced in its ranks a number of strong and forceful leaders of the younger school of politics whose interests and policies were likely to clash. Among these were Henry Clay, Daniel Webster, John Q. Adams, Wm. H. Crawford, John C. Calhoun, and Andrew Jackson. Internal improvements, the United States banks, and the tariff showed signs of becoming leading issues. But Jackson's deadly struggle with the bank had not yet begun. Clay was already identified with the policy of a protection tariff. Calhoun in 1816 had been friendly to a moderate tariff, the tariff measure of that year being acquiesced in by the whole South.[38] But the tariff bill of 1820 found the South practically solid in opposition to further increase of duties.[39] Calhoun now constituted himself the leader of the southern anti-tariff forces, and his lasting enmity to Clay's "American System" became an almost dramatic feature of American politics.

As the presidential election of 1824 approached the country presented an aspect of unusual political confusion, due mainly to the rival claims of the numerous leaders, and North Carolina politics was a reflection of that of the Union. The

in the tier of tobacco counties which bordered Virginia and in the irregular tier of counties which ran southwestward across the state at the upper limits of tide-water.

[37] Senator Stokes was a native of Wilkes County.

[38] Annals of Cong., 1st sess., 1271.

[39] Cf. Niles' Register, vol. 18, pp. 169, 178. North Carolina cast one vote for the tariff bill of 1820; so also did Maryland, Virginia, and South Carolina. Tennessee, Mississippi, Alabama and Louisiana were unanimous against it.

state was Republican to be sure. But what were Republican principles? Who represented the Republican party? Was it Crawford of Georgia, Jackson of Tennessee, or Adams of Massachusetts? Each of these claimed the honor and had raised his standard.

Despite the obscurity of party lines and the lack of definiteness of party principles there were political undercurrents in North Carolina which never lost their way. Crawford was regarded as the successor to the old state rights Republicanism of Jefferson and Madison as opposed to the young national Republicanism of the western and northern leaders. Therefore the slave-holding section of North Carolina, the wealthy and populous middle east, true to political instinct, came to Crawford's support.[40] The west, less influenced by slavery, had not developed the strong, strict construction principles which, since 1789, had controlled the east. The line of sectional cleavage was now the more distinct also because of the insistent demand of the west for reform of the state constitution and an equalization of representation.[41] State parties, therefore, were already formed, and these readily adjusted themselves to the parties taking form under the national leaders. When the east declared for Crawford the west as naturally declared against him. The western party at first adopted Calhoun as its candidate against the "caucus" or Crawford ticket. But when the coalition between the Jackson and Calhoun forces occurred in March, 1824, with the first place assigned to Jackson, the combination, known as the People's Ticket, lost nothing of its popular favor.[42]

When the General Assembly met in November, 1823, the members arranged themselves into eastern and western parties. A western member soon introduced a resolution[43] to

[40] Macon had designated Crawford as early as 1821 as the "most republican and the most economical" of the prospective candidates. Macon to Bartlett Yancey, Dec. 12, 1821. Dodd, 334.
[41] Infra, Chap. III.
[42] Cf. Star, March 5, and March 12, 1824.
[43] N. C. House of Commons Journal, 1823, 155.

instruct the state's Senators and Representatives in Congress to refrain from entering into a congressional nominating caucus. The resolution was purely a party move and was aimed at the old Republican party practice of naming its presidential candidate by the caucus method. Hence the Crawford forces at once attacked the resolution and a heated debate[44] of three days' duration ensued, which finally resulted in a defeat of the instructing measure by a close vote. The eastern members then proceeded to hold a caucus on December 24, and recommended Crawford to the people. A few months later the Washington caucus[45] formally announced Crawford's candidacy and the Harrisburg convention that of Jackson. Clay had been put forward by the legislature of Kentucky and Adams by that of Massachusetts.

In the mean time the three Quaker counties, Guilford, Randolph, and Chatham, making up a district in the center of the state, held a meeting at Greensboro, endorsed Adams' candidacy, and passed resolutions[46] condemning "the attempts which have been made to suppress the voice of the people." Jackson was named by the Quakers as their second choice. Only two sets of electors, however, were placed before the people of the state, and these were pledged respectively to Crawford and Jackson.

The People's ticket *versus* the caucus ticket enlisted the interest of every one who could be aroused to evince a party

[44] The debates on the Fisher, or Anti-Caucus Resolutions, are published in weekly issues of Raleigh Register from March 1 to May 5, 1824.

[45] Nathaniel Macon, though a supporter of Crawford, refused to attend the congressional caucus on the ground that he opposed all oligarchical methods. See Dodd, 337.

[46] This was in recognition of Adams' defense of the right of petition. The North Carolina Quakers had always opposed slavery and had utilized the right of peaceful petition to Congress in order to register their protests against it. They had now for a number of years practiced manumission, and when this practice came into conflict with positive state laws they adopted the method of colonization in Hayti. See Annals of Congress, 5th Cong., 1st sess., 475, for first Quaker petition from North Carolina in regard to slavery. Also see 27 Niles' Register, 226, 289 and 29 Niles' Register, 247 and 447 for instances of large shipment of slaves to Hayti by N. C. Quakers.

spirit. Party principles were ill defined and entirely secondary. The question of the method of naming the candidates was given the chief attention in North Carolina. Both sides made their appeals to "the people," to "the honest yeomanry," and to "every honest Republican." The result, however, was not difficult to predict. The west had attained a unanimity for Jackson equal to its solidarity on the state issue of constitutional reform. Jackson's personality was also awakening enthusiasm in the east among the classes which were less committed by interest and affinity to old state rights Republicanism.[47] Moreover, Crawford's ill health[48] decreased his chances of success in the state.

The majority for the People's ticket in November was 4794 votes.[49] Of the sixty-three counties composing the state, forty-two gave Jackson majorities. This number was exclusive of the three Quaker counties, which had finally given their vote to Crawford as the weaker candidate in the hope[50] of casting the election into the House of Representatives. The remainder of the twenty-one Crawford counties were middle eastern and covered the general area in which the slave population was greatest.

On the first day of December the electors met in the state capitol and gave a unanimous vote for Jackson and Calhoun, one gun being fired for each elector and one extra for Henderson, a western county which had given a unanimous vote for the People's ticket. Two months later the will of the state was subverted by the action of its Representatives in Congress. When the election was thrown into the House for a choice from the trio, Jackson, Adams, and Crawford, the thirteen Representatives from North Carolina voted according to party. Ten of the number ranked as Republicans and in consequence gave their votes to Craw-

[47] Star, Feb. 6, 1824.
[48] Crawford had been stricken with partial paralysis soon after his nomination and his recovery seemed somewhat doubtful as the campaign progressed.
[49] Executive MS. Letter-Book, 1824, 120.
[50] Star, Dec. 3, 1824.

ford. Two voted for Jackson, and one, the member from the Quaker district, gave his vote to Adams.[51]

From the standpoint of logical development the course of North Carolina politics during the succeeding four years was anomalous. The state rights or eastern party executed a political somersault before 1828 and in that year supported Jackson with the same energy with which in 1824 it had opposed him. The reason is not far to seek. Jackson was now the only opponent of Adams, and, as a southerner, was naturally regarded as a safer guardian of southern interests. The eastern party, by a sort of political divination, estimated him as at heart a state rights man, and this estimate ever afterward remained unchanged, even though succeeding events apparently contradicted it. The west, where Jackson's popularity in the state had originated, did not at once relinquish its candidate to the east but cast its vote for him in 1828. Yet a restlessness under such harmony rapidly developed in that section after the election, and the soil became fertile for the growth of Whig principles.[52]

In the mean time an issue had arisen in national politics which was to illustrate as graphically as had the Missouri controversy and the vote on the tariff bill of 1820 the diverging interests of the North and the South. A high tariff bill was proposed in Congress in 1827 and failed to become law only by the casting vote of Calhoun as president of the Senate. In February of the following year the tariff measure since known as "the tariff of abominations" was enacted into law.[53] Though the opposition to this tariff measure, on the ground of unequal benefits to the sections, became general throughout the South, the direction given this opposition by South Carolina caused her sister southern states to halt in their support. Her remedy, nullification, deduced from the Virginia and Kentucky Resolutions of 1798,

[51] Thus, since Adams was elected, the Quaker vote was the only effectual one given by the state.

[52] Cf. Western Carolinian issues, Dec. 15, 1828, et seq.

[53] Act, May 19, 1828.

was to be practically applied by a sovereign state in the abrogation of federal laws within her borders.

The tariff and nullification controversy, intimately bound up with a personal difference between President Jackson and Vice-President Calhoun, the great exponent of the nullification doctrine, extended over a period of five years. During this period North Carolina pursued the course she felt to be best fitted to secure a repeal of the obnoxious tariff and at the same time to preserve her original attitude toward state rights without endorsing the radical activity of South Carolina. Just after the tariff bill of 1827 so nearly became a law Governor James Iredell,[54] anticipating that the protectionists would again bring forward the measure at the next session of Congress, recommended to the North Carolina Assembly to put on record some form of protest. Accordingly a resolution was passed which declared that any increase of import duties by Congress was inexpedient and unwise.[55] That this simple resolution might the more effectively gain the ear of Congress its preamble, while admitting that Congress had constitutional power to lay such duties, declared nevertheless that "interest, either pecuniary or political, is the great point of union, from the smallest association up to the confederacy of American states; that whenever a system is adopted by the general government which does not equally conserve the interests of all the states then the right rests with any state or states to question whether the benefits of the Union are not more than counterbalanced by its evils." This guarded expression of state rights sentiment was a blow in the water, the objectionable tariff being passed a month later.

With Adams' defeat by Jackson, November, 1828, the belief became current in North Carolina that the tariff would be repealed as soon as the new administration took its defi-

[54] Message, Nov. 29, 1827. Executive Letter-book. Governor Iredell was the son of Judge James Iredell of the U. S. Supreme Court.

[55] Journal of the N. C. Gen. Assembly, 1827–28, p. 101.

nite course.[56] Events drifted, however. The Hayne-Webster debate occurred in January, 1830, and intensified interest in the strained situation. Though not yet ripe for action, the course South Carolina would pursue was a foregone conclusion, and the question before the Union, therefore, was how far that state would be supported by the other southern states.

For North Carolina this question was answered directly by the people on Independence Day. Fourth of July celebrations were held in nearly every county in the state and were made the occasion of a plebiscite on the South Carolina doctrine. The time-honored custom of speaking to toasts was in vogue at political meetings and in this practice North Carolinians, inspired by the native vintage of corn, were not backward. At Ashboro the following theme inspired the orator of the day and evoked the applause of the people: "The Union of the States—united we stand, divided we fall! He who wantonly engenders a feeling of hostility between the States instead of soothing it to harmony is a traitor to his country. Let no such man be trusted." At Hillsboro: "State Rights and Federal Powers—If the line of demarcation between them, as drawn by the framers of the constitution, should be preserved unobscured by the refinements of construction, our Union will stand throughout Time, as the proud monument of the capacity of a free people to govern themselves." At Fayetteville: "Our Sister State—South Carolina. We esteem her worth, but deprecate her example. We therefore hold her in *union* a friend —in *disunion* an enemy to our political institutions."[57] Speaker vied with speaker everywhere in expression of dissent from South Carolina's doctrine, though at the same time care was taken to soundly rap the tariff. Calhoun's

[56] This view was expressed in the newspapers and in Gov. Owen's Message to Assembly, Nov. 19, 1829. MS. Letter-book.

[57] The newspapers throughout the state printed accounts of the many celebrations and their most popular toasts. These three have been carefully chosen as typical and as expressive of the general sentiment. They are found in Raleigh Register, July 12, 1830. See Carolina Watchman of same date.

reasoning might be without a flaw, but as yet the blessings of the Union were dearer to the people than statesmen's logic.

When the annual Assembly met in November it was expected to register officially the will of the people upon the subject of nullification. Resolutions were accordingly introduced by Jonathan Worth, a Quaker member from Randolph County, and after a heated debate and slight amendment they passed the lower branch by a vote of 87 to 27 in the following form:[58] "Resolved by the General Assembly of North Carolina: That although the Tariff Laws as they now exist, are, in the opinion of this Legislature, unwise, unequal in their operation, and oppressive to the Southern States, yet this Legislature does not recognize as constitutional the right of an individual state of this Union to nullify a law of the United States." The twenty-seven members who opposed this resolution were extreme state rights men and were actuated by a fear that the repudiation of nullification might mean the first successful assault upon particularism. They therefore preferred to make no concession, even as to the questionable doctrine of nullification, unless the crisis became acute. The senate agreed with the commons minority and refused to commit itself. The larger freehold qualifications required for membership in the senate made this branch of the legislature less responsive than the house of commons to popular sentiment and more representative of the old Republicanism of the east. It favored resolutions which emphasized the reserved rights of the states and condemned the tariff as a usurpation of power by the federal government,[59] but it was not prepared to antagonize the popular branch and public sentiment further than to remain silent.

The famous Nullification Ordinance of South Carolina, the result of a state convention in 1832, brought the nulli-

[58] House Journal, Dec. 31, 1830, p. 257.

[59] The senate was inclined to the "Sawyer Resolutions." They were of a strong state rights tone. See N. C. House Journal, 1830, 175.

fication controversy to a crisis. The North Carolina legislature was in session when the ordinance was received, and the senate could no longer stay the tide of dissent. Some attempt was made to link the tariff with internal improvements and make the two together a cause for requesting all the states to meet in a federal convention for the purpose of giving an authoritative interpretation of all constitutional questions in dispute. But this plan failed, and the two houses thereupon came to an agreement and passed anti-nullification resolutions.[60] These resolutions contained both the declaration that the tariff was unconstitutional and the decision that nullification was revolutionary and subversive of the Constitution. They were thus a compromise between the conservatism of the senate and the liberal tendencies of the commons. The declaration that the tariff was unconstitutional satisfied the senate and the east; the condemnation of nullification contented the popular branch and the west.

Numerous mass-meetings in the counties attested the harmony of the people with the action of the legislature.[61] The western counties greeted the South Carolina Ordinance with a storm of dissent, and the popular voice of the east, though slightly confused as to the relation of nullification to state rights, was scarcely less condemnatory in tone. The venerable Nathaniel Macon, now in voluntary retirement, drew the line of demarcation between the two doctrines and finally settled the doubts of his party-friends. In a letter to a friend he said: "I have never believed a state could nullify and stay in the Union, but have always believed that a state might secede when she pleased, provided she would pay her proportion of the public debt; and this right I have considered the best safeguard to public liberty and to public justice that could be desired."[62] This was the essence of North Carolina particularism, and when thus set forth by Macon it

[60] Senate Journal, 1832–33, p. 99; N. C. House Journal, 1832–33, pp. 224, 225.

[61] For reports of these meetings see Raleigh Register, Nov. 30, Dec. 7, Dec. 14, and Dec. 21, 1832. Also current issues of Carolina Watchman and Raleigh Star.

[62] Macon to Samuel P. Carson, Feb. 9, 1833. Dodd, 385.

set at rest the fears of a group of eastern politicians who, led by Samuel T. Sawyer in the Assembly, had opposed the renunciation of the right of a state to nullify, lest in so doing some portion of the original state rights doctrine should be endangered.[63]

It was with a feeling of relief that North Carolina received the assurance sent forth to the states by Governor Hayne that South Carolina would hold her ordinance in abeyance until the results of Clay's compromise tariff measure of 1833 were known. This tariff reduction measure was passed by Congress but was accompanied by a bill for collecting the revenue under military supervision, if needful. This latter bill, known as the "force bill," served in part to placate the domineering spirit of President Jackson and to save the face of Congress.[64] But reduction of the tariff had brought relief to the strained situation. The nullification excitement was now practically passed, in North Carolina people suddenly ceasing to talk or write about it. Its last echo was the introduction of a bill the following year to instruct the state's Senators and Representatives to use their endeavor for the repeal of the "force bill," which was deemed "inconsistent with the sovereignty of the States and, therefore, dangerous to the liberties of the people."[65]

The repudiation of the doctrine of nullification by North Carolina can in no sense be interpreted as a renunciation of state rights as held at the time of the adoption of the Constitution. That the state was profoundly stirred by the excitement is true; and the large number of popular meetings held in consequence offers an opportunity to study directly the spirit of the masses, and at the same time shows the tendency of the people of North Carolina, in contradistinction to its political leaders, to take a direct personal interest in the policy of the state. Though these meetings almost uniformly registered protests against nullification,

[63] Journal N. C. House of Commons, Jan. 24, 1832, 2d Sawyer Resolutions.
[64] Cf. Schouler, Hist. of United States, IV, 106.
[65] Journal of N. C. House of Commons, 1834, p. 229.

only one has been discovered by the writer in which the sentiment was expressed that the United States constituted one great political society and that the government thereof was essentially a national government.[66] On the contrary, there were evidences in the legislature, in mass-meetings, in the press, and in private correspondence which showed a spirit anxious to find a way to repudiate the doctrine of nullification, but at the same time to save the original doctrine of state rights. Macon's letter, already cited, probably expressed as accurately as could be done the attitude of the controlling force in the state.

The close trimming of the old Republicans between nullification and the older doctrine of state rights enabled them to retain supremacy in state politics until 1835. Jackson was uniformly supported through his two administrations. The President's veto of the Maysville Turnpike appropriation and his fight on the United States Bank were, to North Carolina Republicans, a fulfillment of their trust in him. These two factors caused the Assembly in 1831 to recommend him to the people for reëlection,[67] and again, in 1834, to instruct the state's Senators to vote for expunging from the records the resolutions of censure of the President by which the United States Senate had expressed its displeasure at his removal of the government's deposits from the United States Bank.[68] Out of the action of the legislature in instructing the Senators grew a contest which, superimposed upon the sectional differences of the east and the west, drew the final line of demarcation between the old Republicans and the young Republicans, or Democrats and Whigs. Willie P. Mangum and Bedford Brown

[66] This meeting was held in Wilmington and was presided over by ex-Governor Owen. Strangely inconsistent with this, Wilmington was the strongest secession centre in the State in 1860–61. See Raleigh Register, Jan. 4, 1833.

[67] Resolutions. Laws of N. C., 1831–35, p. 139.

[68] Three southern states passed instructing resolutions—Alabama, Mississippi, and North Carolina. For the bank controversy and the fight over "expunging" see Benton's Thirty Years' View, I, 373, et seq.

were the state's Senators. Mangum, a latitudinarian of the Henry Clay type, refused to be instructed by the legislature and voted against the expunging resolutions in each instance.[69] Brown, a state rights man of the Macon school, was submissive to the mandate of his state. About the standards of the two Senators two factions arrayed themselves and joined in a fierce contest for supremacy. Though the question of instruction was the nominal issue,[70] the differences of the factions were much wider. Under the lead of Mangum were ranged all those who were anti-Jackson, pro-bank, for internal improvement by the federal government, and who favored a reform in the state constitution. Brown led those who held to the opposite principles. In general Mangum's support was the west, Brown's, the east. Both parties claimed Jefferson as their political leader, both professed state rights principles. The Whig party, in an endeavor to eclipse its rival, now designated itself the "State Rights Whig party" during the first years of its existence. But coöperation with the national Whig party soon fostered the growth of a spirit of nationalism among the Whig leaders which was directly opposed to the particularistic principles of the state Democracy.

Under the guidance of Mangum and Governor David Lowrie Swain the Whig party distanced its competitor and in 1835 was able to force constitutional reform upon the reluctant east. This victory was followed by a Whig régime of fifteen years' duration.[71] In the mean time, as political power was about to slip from the grasp of the Democrats, the party of *real particularism*, it is pertinent to examine the question of slavery, over which, in an effort to retain supremacy, the danger cry was now raised.

The first attention to slavery in the public councils of North Carolina after the subsidence of the Missouri Com-

[69] Benton, Thirty Years' View, I, 528.
[70] Cf. Dodd, Life of Macon, 381.
[71] Since reform of the state constitution was the lever by which the Whigs gained supremacy it will be treated in a separate chapter and as introductory to the Whig régime.

promise excitement was that given in a message of Governor Gabriel Holmes to the Assembly in 1824.[72] The governor called attention to the large number of free negroes who, being emancipated by their masters, had emigrated to the island of Hayti and were now returning to the United States, particularly to North Carolina. In view of the fact that these were likely to have become inoculated with ideas of freedom not meet for the slave, he suggested a law to prohibit the return of such persons to the state. No action was taken, however, until 1826. In this year a law was enacted to prohibit the entry of free negroes, by land or water, under a penalty of five hundred dollars fine. Failure to pay the fine subjected the delinquent to ten years' servitude and to removal from the bounds of the state within thirty days after its expiration, or to a repetition of the service penalty. As to the free negroes already within the state, the act provided that any who were able to labor and yet spent their time in idleness and dissipation should be committed to jail and, upon failure to give good security for future industry and good behavior, should be bound to service by the court of the county in which the case fell. Children of such parents were also to be bound to service and taught a useful trade.[73] Care was taken to provide a jury trial in all these cases. In 1828 a law was enacted charging the poll-tax of all free negroes to the person upon whose land they lived.[74] These laws were primarily for the purpose of protecting the slave from the influence of the Ishmaelites of his race.

Simultaneously with the founding of the American Anti-Slavery Society and the first issue of Garrison's *Liberator* in Boston, Massachusetts, North Carolina, in common with other southern states, as if in answer to the threat implied by the New England movement, began to tighten the cordon about her slaves. Thus the years 1830 and 1831 were years

[72] Executive Letter-book, MS. Nov. 16, 1824.
[73] Laws of North Carolina, 1826, 13.
[74] Ibid., 1828–29, p. 21.

of unusual activity in slave legislation. The mere titles of the laws enacted will show their nature and object. The following illustrate their spirit: To prevent all persons from teaching slaves to read and write, the use of figures excepted; to provide further punishment for harboring and maintaining runaway slaves; to regulate emancipation of slaves; to prevent free persons of color from hawking and peddling outside the county in which they reside; and a supplementary act for the good government of free persons of color.[75] In the summer which followed the passage of these laws by North Carolina occurred the Nat Turner slave insurrection in Southampton County, Virginia. Southampton bordered the North Carolina line, and the wild plot extended over the border among the dense slave population of the contiguous counties.[76] Murfreesboro, the nearest North Carolina town, received many of the panic-stricken refugees from the disturbed area, and quickly raised a troop of horse and dispatched it across the border to the seat of trouble.[77] When the extent of the massacre became known wild alarm spread throughout the slave area of North Carolina. Rumors of slave risings flew thick and fast, from Murfreesboro on the north to Wilmington on the south and as far as Hillsboro to the west. The town of Wilmington remained under arms many hours in anticipation of an attack by slave insurrectionists who were supposed to be gathering like a black cloud in Duplin, Sampson, and New Hanover Counties.[78] Raleigh was reported to be threatened from the southward and was put in a state of defense.[79] Hillsboro hastily organized a company of militia to be sent to the defense of the capital; many other towns organized and drilled volunteer companies, and the patrol system sprang suddenly into existence. The scare was genuine throughout the whole slave area of the state.

[75] Laws of N. C., 1830–1831, pp. 11–16. These laws were all passed between November, 1830, and February, 1831, six months previous to the Nat Turner Rebellion.
[76] Drewry, The Southampton Insurrection, 58–75.
[77] Wheeler, Historical Sketches, II, 210. Personal recollections.
[78] Wilmington Recorder, Nov. 16, 1831.
[79] Raleigh Register, Sept. 15 and Sept. 22, 1831.

Its immediate result was the trial and swift conviction of a number of slaves and free negroes on the charge of conspiracy.[80] The excited state of the popular mind had its reflex in the laws of the succeeding Assembly, and machinery was set up for the speedy trial of slaves in capital cases.[81] The law of 1741, which authorized county courts to grant certificates to slaves permitting them in certain cases to carry guns, was repealed.[82] But for the most part slaves received the protection accorded private property, and the onus of the legislation growing out of the Southampton insurrection fell upon the free negro.[83] The Assembly seriously considered a bill which proposed to lay a tax of ten dollars on every negro poll in the state—slave or free—for the purpose of removing all free negroes to Liberia. The defeat of the measure seems to have been due to the objection of slave-holders to the payment of the ten dollar tax on their slaves rather than to a consideration of the extra-constitutionality of such a measure.

The whole South had been keyed to a high tension by the circumstances and horrible detail of the sixty-five murders committed by Nat's band. A lasting impression was left upon the minds of all southerners; therefore they were especially sensitive to abolition agitation at the North. Feeling was intensified by the literature now beginning to be circulated in the South by northern apostles of abolition. The question became of large importance in Congress, and involved a determination of whether the United States mails should receive for distribution the class of matter which the southern states viewed as incendiary. President Jackson recommended to Congress the passage of a law which would prohibit the distribution of such matter. Opposition developed among the northern representatives and this contro-

[80] Six were executed in New Hanover County, three in Duplin, and several in Sampson. Wilmington Recorder, Dec. 16, 1831; and Raleigh Register, Oct. 20, 1831, and Sept. 22, 1831.

[81] Laws of N. C., 1831–32, p. 25.

[82] Ibid., 34.

[83] See Laws of N. C., 1831–32, pp. 7, 10, 24, for new stringent laws as to this class of citizens.

versy, together with the wrangle over the "gag-rules" and disposition of antislavery petitions, had, by 1835, brought the South to the ragged edge of exasperation.

The southern Democrats, at the suggestion of Calhoun, soon came to the view that it was within the right of a state to determine what character of literature should circulate within its borders. Jackson's suggestion was not pressed, though North Carolina was grateful to him for the good intent.[84] The state now strengthened her own laws regarding incendiary literature and passed resolutions which were her answer to agitators—in Congress or elsewhere.[85] These resolutions were of a strong state rights tone and declared the competency of the state to legislate upon all questions calculated to influence slavery within her borders. She deprecated, therefore, talk of authority, advice, or persuasion from any source whatsoever, and regarded the offer of any of these as intrusive, whether by Congress, legislatures, or people of other states.

The excessive sensitiveness exhibited in these resolutions marked the seriousness with which the state regarded the rise of the abolition movement. Upon the question of opposition to such a movement there was no divergence of opinion in the state. Both parties condemned with equal vehemence the proposed northern movement for the abolition of slavery in the District of Columbia. But the Democratic party of the state made slavery protection its creed, and thereafter the "soundness" of every presidential candidate upon the slavery question was the condition of its support. The Whig party was never the party of the slave-holder in North Carolina, and it was due to this that the Democrats were able in 1836 to carry the state for Van Buren,[86] Jackson's chosen successor, though the Whigs elected the governor, this being the first popular election for that office ever held in the state.

[84] Raleigh Register, Nov. 17, 1835.
[85] Laws of N. C., 1835, Resolutions, p. 119.
[86] Van Buren had given assurances, on inquiry from North Carolina Democrats, that he opposed any interference with slavery in the District of Columbia. See 50 Niles' Register, 126.

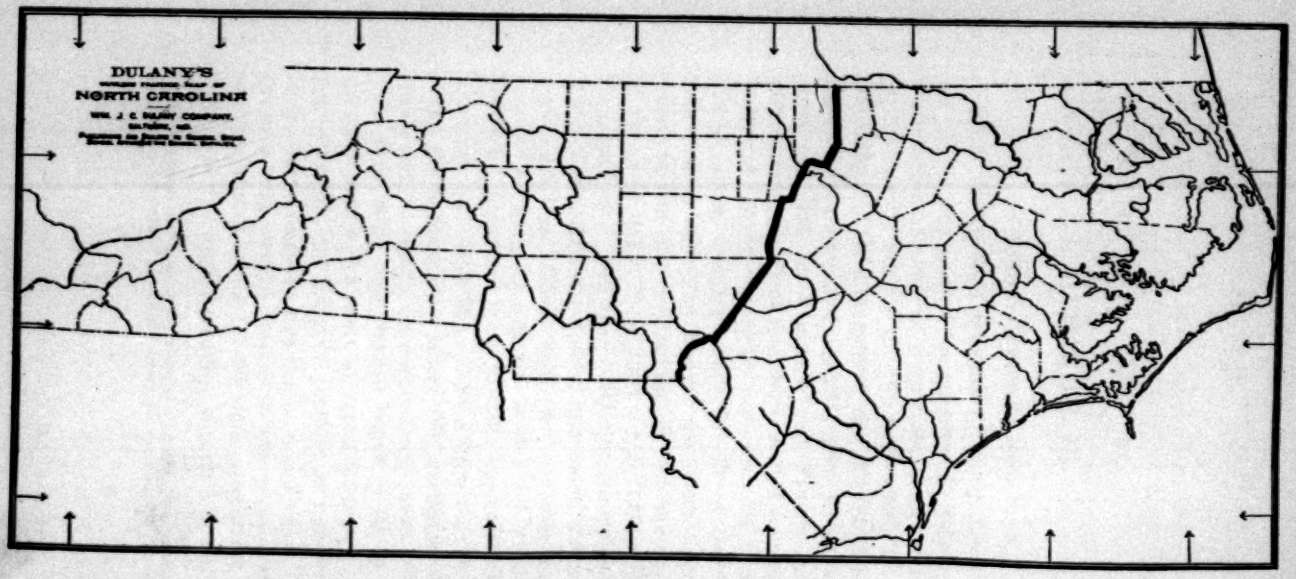
CHAPTER III.

Whig Supremacy: 1835–1850.

When the revolted province of North Carolina framed her constitution in 1776 the constitution makers, regarding the counties as equal in population, accorded to each the right to elect a senator and two commoners to the General Assembly.[1] This arrangement was not inequitable at that date. The swamp and marsh region which fringed the coast and shut in Albemarle and Pamlico Sounds was divided into very large and thinly settled counties. To the westward the swamp region gave place to a rich alluvial district which was free from the ills of the lower area and, though extending beyond the upper limits of tide-water, was in easy communication with the sea by means of the great rivers, the Roanoke, the Tar, the Neuse, and the Cape Fear. This area, containing the bulk of the population of the state, was divided into counties of normal and convenient size. These small but populous and wealthy counties made up an irregular double tier which extended across the state from north to south approximately parallel to the general coast line. Behind these, to the westward, began the back-country, where the population again grew sparse and the counties correspondingly large.

As these large back counties began to fill up they grew dissatisfied with the basis of representation. Increase in population did not bring an increase in representatives as long as representation was based on counties. To split up the over-large western counties as their population increased was the natural course for the state government to pursue. But the central eastern counties, in control by virtue of their

[1] In addition, six towns, four in the east and two in the west, were each given the right to elect a borough member to the lower house.



THE VOTE ON THE CONSTITUTION OF 1835.

West for Ratification. East against. Person County, marked ‖, voted with East.

number, refused to assent to any plan whereby their existing advantage would be destroyed. Hence an eastern and a western party came into being. An imaginary line, definitely fixed in the minds of the people of both sections, ran across the state somewhat to the west of Raleigh,[2] dividing the east from the west as effectively as a natural barrier would have done. Dissimilar interests, opposite purposes, and often hostile feelings animated the two sections and urged them to a prolonged contest.[3]

A method of correcting the inequalities of representation other than by a division of counties was to reform the state constitution in such a manner as to permit the state to be divided into districts according to population and taxation and to make these districts the basis of representation. The west urged such a reform as early as 1790,[4] and continued to press the movement from that date. At each successive annual Assembly petitions were presented for a reform in the constitution or for a just division of the western counties.[5] The east as constantly refused to make any concession. By 1818 the inequalities in representation had grown so great that the demand of the west for reform became a threatening danger. The use of force was freely discussed and revolution as a last resource, though deprecated, was not counted among the improbabilities of the strained situation.[6] The west, containing twenty-eight counties, had a majority of the population of the state, but the east, made up of thirty-four counties, had a fixed majority in the General Assembly.

In the legislative term of 1819–1820 the western members

[2] Cf. Speech of Wm. Gaston in N. C. Constitutional Convention of 1835. Debates, 124, et seq.

[3] The differences between the east and the west after 1789 were in reality a continuation of the old pre-Revolutionary ill-feeling that had culminated in the Regulators' War of 1769–71. The basis of representation adopted by the constitution makers in 1776 gave the controversy a new lease of life.

[4] N. C. State Records, XXI, 1052.

[5] Raleigh Register, Dec. 3, 1799.

[6] Cf. "Senator of Lincoln County" in Raleigh Register, Jan. 8, 1819.

made a determined effort to induce the east to come to equitable terms. The demand for a reform in representation was coupled with demands for the popular election of the governor and for general reform in the revenue and judicial systems. Debate upon the resolutions[7] embodying the western plan of reform occupied nearly the whole of the legislative term.[8] The main position of the eastern members, as developed in the debates, was that a just and republican principle did not require that numbers alone should govern; that one of the most important ends of government was the protection of private property; that counting property in slaves,[9] the east was decidedly the wealthier of the two sections and, therefore, the existing mode of representation operated justly. This argument served to defer concession, the reform resolutions being defeated by a strictly sectional vote.

Despairing of legislative concession the western members of the Assembly determined, in 1822, to appeal directly to the people. Accordingly, after a caucus meeting they issued a call for a popular convention to meet in November of the following year to consider the question of reform. Extra-legal in its origin, this convention met at Raleigh upon the date designated, delegates from twenty-four of the twenty-eight western counties being present.[10] No delegates appeared from the east. The ten days' session of the western convention accomplished but poorly the purposes for which it met. The main purpose had been to impress the east with the strength of the reform movement, but this object was almost wholly defeated by the development of a lack of harmony among the delegates present.

[7] N. C. Senate Journal, Dec. 2, 1819.

[8] These debates are published in Raleigh Register, beginning Dec. 10, 1819, and continuing for several months in its weekly issues.

[9] Slaves were not, however, at this time, or ever afterward, taxed as property. A poll-tax of 50 cents on all slaves between the ages of 12 and 50 years was the greatest tax ever levied on this species of property in North Carolina.

[10] The proceedings of this interesting convention appear in Raleigh Register, Nov. 14, 1823, and Nov. 21, 1823. Also in Raleigh Star of same dates.

A committee of five, appointed to draft amendments to be presented by the convention to the people, found great difficulty in reflecting the will of the delegates as to the kind of reform needed. The extreme western or mountainous counties, in which there were practically no slaves, wished free white population to form the basis of representation. The middle western counties, contiguous to the east and already large slave-holding counties, wished federal numbers to form the basis. The will of the latter prevailed in the committee, and the amendment relative to representation proposed that four thousand of federal population should be the unit of representation in the commons and ten thousand the unit in the senate. By this arrangement, should the state subsequently adopt the measure, the mountain counties would gain nothing, the east would lose nothing, the slave counties of the middle west would become identical in interest with the east and further reform be put off indefinitely. In the effort of the middle western counties to convince the east of their conservatism the amendments proposed[11] failed to include the abolition of the rotten boroughs or the popular election of the governor, measures for which the whole west had formerly made demands.

A second committee prepared statistical facts relative to the counties represented in the convention and those unrepresented and reported as follows:

Free population of entire state	433,912
Free population of represented counties	233,933
Free population of unrepresented counties	199,979
Majority of represented counties	33,954
Federal numbers in whole state	556,695
Federal numbers in unrepresented counties	284,264
Federal numbers in represented counties	272,431
Difference in favor of unrepresented counties	11,833

The committee further reported that the amount of taxes

[11] Raleigh Register, Nov. 21, 1823, contains all the amendments recommended. After that relative to representation, biennial instead of annual assemblies was perhaps the most important.

paid by the counties unrepresented in the convention was, approximately, $10,000 more than that paid by the counties represented.[12] Hence the west had failed to prove its case, unless it was granted that free population should be the basis of representation—an assumption which the east had long since denied. Having adopted the reports of the various committees, and recommending a constitutional convention to the people, the western convention adjourned.

The succeeding General Assembly promptly refused to call the convention recommended or in any way to further the suggestions of the western convention.[13] This action by the Assembly was tantamount to a declaration by the east that it would not meet the overtures of the middle western counties nor concede them a share in the control of the state. They were forced, therefore, to remain united with the mountain counties. The issue was accordingly kept alive, the fight immediately renewed[14] and continued without intermission for another decade.

Already the two sections had attached themselves to opposing leaders in national politics. In 1824 the west supported Jackson for the presidency and the east supported Crawford. In 1828, when the east adopted Jackson as its candidate, the west grew lukewarm in his cause and by 1832 was definitely aligned with the new Whig party under the leadership of Henry Clay. Under the banners of Whig and Democrat the fight between the sections over constitutional reform now drew toward a conclusion favorable to the west.

At the election of assemblymen in August, 1833, the western or Whig party opened polls in thirty-three counties for a record of the people's votes for or against a convention. This polling was extra-legal and was conducted only in the western counties and in several detached eastern counties which had been converted to reform. But the re-

[12] The population statistics were based on the U. S. census report of 1820 and the tax statistics on the state comptroller's report for the same year.

[13] Journal of N. C. Gen. Assembly, 1823, 128.

[14] Carolina Watchman, June 15, 1824.

sult was 30,000 votes for, and only 1000 against, the convention. This demand for reform was too loud to be ignored. When the Assembly met in November a joint committee of the two houses reported that, in its opinion, had polls been opened throughout the state and under the sanction of law a large majority of the people would have cast their votes for a convention.[15] The committee, therefore, recommended constitutional amendment and suggested that either of two methods might be employed: (1) a convention of the people, (2) legislative amendment. But of these two methods the committee, a majority of whom were eastern members, recommended legislative amendment, the results afterward to be submitted to the people.[16] The legislative method would place constitutional amendment in the hands of the friends of the constitution, *i. e.*, the east, which had control of the legislature. The western members, however, refused to hear anything of this plan and continued to demand a convention. In consequence there was a deadlock and the session closed without agreement.[17]

The Raleigh *Register,* favorably situated for accurate observation, summed up the evil state of North Carolina politics in the following mild terms:[18] "The members of the North Carolina Assembly are split into factions under the well-known standards of the 'East' and the 'West,' the 'Roanoke' and the 'Cape Fear,' and even when a revenue bill is to be considered their votes depend very much upon the circumstance from what quarter of the state its mover comes. Unaccustomed to consider subjects upon their merits, the crowd look only for their leaders. If the mover of a measure comes from the East the opposition of the West is assured, and *vice versa.*" Such a condition of affairs, according to the *Register,* had wrought distraction

[15] N. C. Legislative Documents, 1833, 94.
[16] The Constitution of 1776 provided no plan for its amendment, hence the choice of methods.
[17] Journal N. C. General Assembly, 1834, 244. Final postponement was carried by only four votes in the commons.
[18] Raleigh Register, June 11, 1833.

and confusion in every branch of the government and completely clogged political energy and progress.

But a very remarkable man, David Lowrie Swain, was now governor of North Carolina and determined upon reform. He was born in Buncombe County—the very heart of the rugged mountainous area of North Carolina. His father was a New Englander who had settled in Georgia and later removed to western North Carolina.[19] Without early educational advantages other than the little mountain hamlet of Asheville afforded, the younger Swain was a practicing lawyer at 22 years of age, a member of the General Assembly from his twenty-fourth to his twenty-ninth year—one year excepted—a judge of the Superior Courts at 30, governor at 31, and president of the State University at 35. Swain owed his rapid advance in political preferment to his intuitive understanding and appreciation of the qualities of his fellowmen and to the confidence with which he inspired them. In every sense he was a man of the people, and though sprung from the west he was equally trusted by the east. Inclined toward Whig principles, he was nevertheless elected governor by the Assembly in 1832, 1833, and 1834, and held himself sufficiently neutral between the sections to bring about the attempt at agreement made in the legislature in 1833. The failure of this plan aroused him to further effort and his message to the Assembly, November 17, 1834, began a new epoch in the political life of the state. Rising above sectional and party strife, he dealt with the subject of reform as a means to reinvigorate every department of the state's activity. He reviewed the sectional controversy from its origin in colonial times down to the present, and pointed out the utter impossibility of wise or liberal legislation until such conditions were ended.[20]

Governor Swain's position, together with the force de-

[19] Wheeler's Reminiscences, 57–58, for facts of Swain's early life. Also Wheeler's Historical Sketches, II, 53.

[20] This reform message of Gov. Swain is published in 47 Niles' Register, 221, and in all N. C. State papers of date.

rived from Mangum's thorough organization of the western or Whig party, now caused the east to give way, and in January, 1835, a convention bill was carried.[21] The act provided that a popular vote should be taken on the question whether a majority of the voters should approve the convention; then the governor should fix a day for the election of delegates and a day for the convention. The same document further defined the limits of the convention's power in regard to representation, providing that the senate should be made to consist of not less than thirty-four nor more than fifty members, to be chosen by district according to public taxes, and the commons of not less than ninety nor more than one hundred and twenty members, apportioned by districts according to federal population. Thus, after all, the vital question of representation was determined by the east and in such a manner that the privileges of the whole slave area remained unaffected. Nothing would be lost by this section in the change from the county basis to federal population basis, for it possessed the bulk of the slaves. In fact there would be a gain in that the limits of the east would be extended further westward and made to include all the slave counties of the state.

When, however, the popular vote[22] was taken on the convention question in April every western county save one gave majorities for the convention and every eastern county gave majorities against it; but the total majority for the convention was 5856 votes. The election of delegates followed a few weeks later.[23] The convention assembled in Raleigh, July 4, and remained in session until July 11. The aged Nathaniel Macon came forth from his retirement to act as chairman and to watch over the destinies of his state while the younger generation laid hands on its constitution.

The reforms made by the convention of 1835 may be

[21] Public Acts of N. C., 1834, 35, Chap. I, part I.

[22] Official returns, vote by counties, N. C. Standard, April 24, 1835.

[23] Two delegates from each county composed the convention, being elected on the same basis as the members of the commons. This assured a majority in the convention to the east.

briefly summarized. The election of governor was given to the people and the term of office increased to two years. Assemblies should meet biennially instead of annually. Sheriffs were henceforth to be elected by the people of the respective counties. Religious tests for office-holders and borough representation were abolished. Free negroes were disfranchised. The senate was thereafter to consist of fifty members and the commons of one hundred and twenty, chosen according to the provisions of the enabling act already noted.

The question of representation was now settled apparently to the general satisfaction of the whole slave area. Speaking broadly and disregarding the Quaker strongholds in Randolph, Chatham and Guilford, the slave area now included the whole state east of the foot of the Blue Ridge Mountains. If, after old scores were forgotten, sectional strife should be renewed the issue would be between the strong slave-holding section and the weak mountain counties. Yet, in 1835, it was confidently expected that mining and manufacturing would cause the spread of slavery into the mountains.[24] But this prophecy was never fulfilled to any large extent,[25] and twenty years later the mountain counties, in political combination with the marsh counties of the Sound region, were ineffectually demanding free white manhood suffrage as the basis of representation.

Governor Spaight in November laid the amended constitution before the people. The counties on opposite sides of the old sectional line, totally unused to agreement on any question, voted according to habit, every western county giving a majority for ratification and every eastern county, save one, a majority for rejection. The total majority for ratification, however, was 5165, being practically the same by which the convention had been called. The new or

[24] Debates, N. C. Constitution of 1835, 139.

[25] Each successive census marked a slight increase in the small number of slaves in the mountain region of North Carolina; but they were never sufficiently numerous to influence the political views of the people.

amended constitution went into operation at the beginning of 1836 and in August the first popular election for governor was held under its provisions. The result was a victory for the Whig or western party.

Though the Whig party now assumed the responsibility which had rested in the hands of the old anti-federal or state rights Republican party since 1793, it had as yet developed no principles antagonistic to state rights doctrine. Indeed for the first few years of its existence in North Carolina the Whig party was known by its adherents as the State Rights Whig party. But the application of a name did not enable it to usurp the place of the old Republican—now the Democratic—party, which in the minds of the people was always identified with strict construction principles. Moreover, the affiliation of the local with the national Whig party soon made the profession of strict construction principles inconsistent for the North Carolina Whigs. The national party, swayed by its stronger northern section, more and more tended toward liberal construction. To be strict constructionists in state and liberal constructionists in national politics placed the local Whigs in an equivocal position of which the Democrats were not slow to take advantage.

The Whigs retained their hard-won supremacy for fifteen years, however. Their power to do so was derived from two main sources: first, the perfection in organization attained in the struggle for reform; second, the adroitness with which the leaders reconciled the inconsistencies of their local and national politics. Both of these factors were essential to supremacy, for the period of the Whig régime, 1835 to 1850, was the period in which the national Whig party developed strong tendencies toward old federalist principles. It was the period of the struggle over the recharter of the United States Bank; the period in which Texas was annexed and the Mexican War begun and concluded, in the train of which came the renewal of the controversy over slavery extension. Each of these issues

included constitutional points upon which the national parties could and did disagree. But this privilege of disagreement, at least in so far as slavery was included, was denied the local parties in North Carolina. The political edifice of the local Whigs, therefore, rested upon an insecure foundation from the date of its erection in 1835 until it toppled to its ruin in 1850 during the excitement attendant upon the second great slavery compromise.

The local Democrats knew well the potency of the argument against their opponents—that danger to slavery lurked in the councils of the northern Whigs.[26] The North Carolina Whigs, therefore, from the date of their supremacy, were forced to condemn with Democratic vehemence the evident tendencies of their northern partymen. The reception of the Vermont Resolutions in 1837, asserting the right and duty of the federal government to abolish slavery in the District of Columbia, afforded such an instance.[27] Both parties alike applauded Calhoun's speeches against the reception of petitions by Congress for abolition in the District, and both as heartily condemned Adams for their advocacy.[28]

When the demand for the annexation of Texas grew strong in all the South and Henry Clay, the great Whig oracle, opposed it on the ground that acquisition of new territory was but sowing the seeds of strife over slavery, the North Carolina Whig press, ignoring Clay's attitude, pointed out the peculiar importance of Texas to the slaveholding states, and declared that with the acquisition abolition in the District or elsewhere might forever be set at defiance by the South; in fine, that "the annexation of Texas is essential to the future safety and repose of the Southern States of this Confederacy."[29] The Democrats themselves were not more ardent for Texas. The difference in attitude of the two local parties lay in the fact that, for party purposes, southern Whigs felt it necessary to con-

[26] Standard, March 21, 1837.
[27] Raleigh Register, May 9, 1837.
[28] Star, May 21, 1837. Raleigh Register, March 28, 1837.
[29] Star, Aug. 23, 1837.

cede to their northern allies that annexation ought not to be accomplished at the risk of war with Mexico. The refusal of the United States Senate to ratify the annexation scheme of 1838 postponed the question for a time, giving place in popular interest to the presidential election of 1840.

Despite his declared opposition to the annexation of Texas, Clay was decidedly the favorite of the North Carolina Whigs for the party nomination in 1840.[80] When, however, General Wm. H. Harrison received the nomination instead, his candidacy soon awakened unusual enthusiasm in North Carolina, as elsewhere. In the general tumult accompanying this campaign, unique in American politics, party principles were well-nigh forgotten. Van Buren, Democratic candidate for reëlection, was held equally responsible with Jackson, his predecessor and patron, for the financial crisis of 1837, for perversion of the federal patronage, and for the general executive usurpations of the last two administrations.[81] The national Whig platform, demanding reform, was especially congenial to the local Whigs because their party had come to power on that issue in state politics.

The gubernatorial contest in August, 1840, was a decided Whig victory and foretold success in November. John Motley Morehead, with internal improvements as the issue, was elected over Romulus M. Saunders, the Democratic candidate, by a majority double that of the Whig success of 1838.[82] The vote plotted by counties showed that the Whig party was coming to enjoy the confidence of a number of eastern counties. The old solidarity of the sections was beginning to be broken up by the alliance of the coast counties with the west. The Whigs began to feel firmly intrenched. Their confidence seemed still further warranted when the results of the presidential election in the state were known. Harrison electors had been chosen by a ma-

[80] Raleigh Register, Dec. 10, 1838, and July 6, 1839.
[81] Cf. Schouler, Hist. of U. S., IV, 341.
[82] Raleigh Register, Sept. 8, 1840.

jority of 12,594, the total vote polled being the largest in the history of the state.[33] Harrison's overwhelming victory throughout the country seemed to the North Carolina Whigs a guarantee of stability and future harmony for the party.[34]

The task of conserving the power now held by the Whigs in the state was to tax the efforts of the able Whig leaders who had created it. The foremost of these leaders were Willie Person Mangum, William Alexander Graham, George Edmund Badger, and Thomas Lanier Clingman. They did not force the state into a position of national prominence, for this was not the genius of her people, but they held her to the Whig allegiance during a decade in which the real interests of the South seemed to be represented by the Democratic party. Their position was a difficult one. The problem before them was, on the one hand, to preserve the unity of the northern and the southern sections of the party, and on the other, as practical politicians, to inspire the local Whigs with confidence in the national Whig policy. In the solution of this problem three of these leaders, Mangum, Graham, and Badger, together with numbers of their followers, caught a spirit of nationalism which, in the succeeding decade, came into violent conflict with the spirit of state individualism upon which the South relied when she felt her institutions threatened.

Of the triumvirate composed of Mangum, Graham, and Badger, the first two were in the United States Senate and Badger had recently been appointed secretary of the navy by President Harrison. Mangum had been the longest in public life and was regarded as the Nestor of the local party. As the leader of the western party he forced his election to the United States Senate in 1831. With a watchful interest in state politics he then arrayed himself as an opponent to the personal government of President Jackson, and sought to crystallize what local sentiment

[33] Official returns compared. Raleigh Register, Nov. 27, 1840.
[34] Ibid., same date.

existed against Benton's Expunging Resolutions and against the legislative practice of instructing Senators. In 1836, however, he failed of reëlection because he had refused to follow legislative instructions on "Expunging," and entered the Senate again only when, in 1840, the Whigs had secured control of both branches of the North Carolina Assembly. Upon the death of Harrison and with Tyler's elevation to the chief magistracy Mangum was elected permanent president of the Senate and served through the term of the administration.[85] Graham, like Mangum, was from the west, both being residents of the same county.[86] Both were slave-holders and in every sense identified with the slavery régime, yet both were, and remained, thoroughly opposed to the radical tendencies of the South on the question of state rights.

The North Carolina Whigs were in thorough sympathy with the purpose of the national party to recharter the United States Bank and restore the country to a sound and uniform currency. The state had suffered its full share in the crippling of the local banks during the financial stringency of 1838, and the people for the most part attributed the result to Jackson's destruction of the United States Bank.[87] Eight of the state's congressional delegation in 1841 were bank men and five were anti-bank men. It is probable that these members represented the proportional strength of the two parties. When Clay's first bank bill was under discussion in June, Graham and Mangum both stated in the Senate that North Carolina Whigs were unanimous for the recharter of the bank, and that many of the other party were favorable, provided it could be done without their coöperation.[88]

When Tyler vetoed the first bank bill brought forward by Clay and a rupture of the party was imminent, North Carolina Whigs continued to hope for some means to pro-

[85] Wheeler, II, 336. Historical Sketches.
[86] Orange.
[87] Raleigh Register, April 13, 1841.
[88] Congressional Globe, June 24 and June 25, 1841.

mote harmony.[39] But when the second veto followed and it was seen that Tyler must be thrown overboard, no sign of hesitancy was apparent. Badger, with the full approval of the local party,[40] together with the remainder of the cabinet, Webster excepted, at once resigned. Mangum, from his position of influence in the Senate, directed the formal caucus at Washington which resulted in the Whig "Manifesto" that read Tyler out of the party.[41]

The break with Tyler did not affect the local situation. The Whigs showed a unanimity quite equal to that claimed by Mangum and Graham in the Senate and were in hearty support of Clay upon his issue with the administration. In the following year the Kentuckian's flag was nailed to the mast. But just before the national nominating convention in 1844 Clay visited the state and made several speeches which, though received with enthusiasm by his large audiences,[42] nevertheless had a decided tendency to decrease the number of his followers. In his speeches and in a letter to the general public dated at Raleigh[43] he took the ground that Texas should not be immediately annexed. The leading Whig journals in the state, however, handled the subject with care and caution, expressing the desire to see Texas added to the Union, though not at the expense of the honor of the country.[44] When Clay was nominated it was inevitable that his position on the Texas question should alienate the most considerable portion of his support in the South. In the summer the outcome in North Carolina seemed very doubtful. The gubernatorial election occurred in August, resulting in a victory for Graham, though by a majority reduced to one-half of that secured by Governor Morehead in 1842.

In November it was found that the Whig margin was

[39] Raleigh Register, Aug. 20, 1841, and Star, Aug. 25, 1841.
[40] Raleigh Register, Sept. 17, 1841.
[41] Benton, Thirty Years' View, II, 357.
[42] Star, April 17, 1844.
[43] 66 Niles' Register, 439, and National Intelligencer, April 27, 1844.
[44] Raleigh Register, May 3, 1844, and Star, May 1, 1844.

still further reduced. Clay carried the state by 3945 votes only, a majority equal approximately to one-third of that given Harrison in 1840; and yet an even larger total vote had been cast in 1844 than in 1840.[45] South of the Potomac only Kentucky, Tennessee, and North Carolina were now in the Whig column. The other southern states that had been Whig in 1840 had, under the stress of the demand for Texas, transferred their allegiance to the Democracy.[46] The strong organization of the Whigs in North Carolina and the personal popularity of the candidate, notwithstanding his attitude toward Texas, saved the state to the Whigs at this time when the opposing candidate, Polk, stood for the enlargement of the slavery area.

After the removal of the fear of losing Texas[47] the North Carolina Whig leaders believed the opportunity had come for regaining their lost strength and for welding the whole Whig party into unity. To this end they firmly supported the policy of a protective tariff. By 1846 the state nominating convention was fully developed, thus making possible a much clearer insight into party principles. At these conventions each party spread its platform before the people in sets of printed resolutions which in themselves are instructive political documents. Since the election of a Whig governor in 1836 and the beginning of the Whig régime the tariff or protective policy had entered into all the political contests of North Carolina.[48] The tariff act of 1842 and the protective policy generally had been fully and freely discussed from the mountains to the sea. The result had been that the party favoring a tariff which would yield sufficient revenue, and at the same time so discriminate as effectually to protect the manufacturing and working

[45] The Official Returns, Raleigh Register, Nov. 24, 1840, and Nov. 19, 1844.

[46] Georgia, Louisiana, and Mississippi had cast their electoral votes for Harrison in 1840.

[47] President Tyler secured the annexation of Texas four days before he gave place to Polk.

[48] Cf. Speech of Alfred Dockery, of North Carolina, July 28, 1846. Cong. Globe, 1 sess., 29th Cong., 1160.

interests of the country, had in each instance since 1836 elected the governor. It had been alleged in 1840 that if a Whig president was elected the protective policy would be fastened upon the country; yet the Whig candidate received the vote of the state. The death of Harrison and the troubles which arose in the Whig ranks upon the accession of Tyler produced apathy and despondency in the Whig party here as elsewhere. Hence, though the Whigs elected the governor in 1842, the Democrats gained a temporary majority in the legislature and in that year elected William H. Haywood as United States Senator to succeed William A. Graham. Haywood entered the Senate as a Democrat in full accord with his party. But in 1846, when the Polk tariff act was passed to reduce the Whig tariff of 1842, Haywood, believing that the Whig measure was best for the country, resigned his seat rather than vote for the reduction bill.[49] Naturally the Senator was repudiated by his party; but his action was indicative of the strength of protective sentiment in North Carolina. George E. Badger was forthwith elected by the Whig legislature to fill Haywood's place. Badger, like his colleague Mangum, favored a tariff which would make the United States industrially independent. The state Whig convention of 1846 declared for a higher tariff on imports, "a tariff which furnishes incidental production to commerce, agriculture and manufactures," rather than that the revenue should be increased by direct taxation.[50]

As an agricultural and slave state the position of North Carolina upon the tariff may very properly be termed unwise; but an examination of the facts makes it impossible to conclude that her attitude on the tariff question was altogether, or even in large part, the result of a desire to conciliate the northern Whigs. Undoubtedly such a desire had weight. But there had also long existed in the state,

[49] Congressional Globe, 1st sess., 29th Cong., 1141.
[50] Raleigh Register, May 15, 1846. Proceedings of the Whig State Convention.

especially in the west, a belief that the immense water power of the rivers could and one day would be utilized for the growth of large manufacturing interests.[51] Yet it must not be supposed that the North Carolina Whigs were favorable to an outright protective tariff—one in which the revenue feature was lost sight of or made distinctly secondary. Such a tariff was not a part of the national Whig policy during the fifteen years of Whig supremacy in the Senate.

The attitude of the North Carolina Whigs on the subject of the United States Bank and on internal improvements has already been noted as in full accord with the national Whig policy. Hence only one great issue, that of slavery restriction, remained upon which the state party could not act in harmony with the national party and still retain supremacy. This issue was now looming into the greatest prominence, and if the southern Whig leaders failed to impress upon the whole party the importance of conservatism, then the whole Whig fabric would be destroyed.

Already there were causes for distrust of the trend of national Whig policy. That a large addition of territory on the southwest would result from the war with Mexico begun by the Democratic administration was a foregone conclusion. That the northern Whigs purposed that the addition should not be an enlargement of the area of slavery was shown in the terms of the Wilmot Proviso introduced into Congress in 1845.[52]

When, in 1846, the Wilmot Proviso was attracting its first considerable attention, North Carolina was in the midst of an exciting gubernatorial election and gave little heed to external politics until it was over. Graham, the Whig candidate for reëlection, had tactfully avoided national issues in the campaign and had emphasized such state ques-

[51] Carolina Watchman, May 17, 1846.

[52] The object of the Proviso was to prohibit the introduction of slavery into any part of the territory to be acquired from Mexico. Northern Whigs, aided by northern anti-slavery Democrats, pushed the measure through the House in 1846, and in consequence the whole South was soon awakened to its danger. See Benton, Thirty Years' View, II, 694.

tions as education, better highways, and railroads,[53] and the Proviso received little attention from either party. Graham secured his election by a much larger majority than in 1844.

Not until February, 1847, did an expression come from a Whig source that might be taken as an authoritative expression of the Whig party sentiment relative to the Wilmot Proviso, now so persistently urged. The Raleigh *Register*,[54] the official mouthpiece of the party, now spoke in no uncertain tone. Definitely setting forth the breach of sympathy between the northern and southern divisions of the party, it said:[55] "The unanimity with which the members of both parties from the non-slaveholding states have supported this slavery restriction proviso convinces us that we have no right to expect justice at the hands of either. It behooves the whole South, then, to cast about, and decidedly and unflinchingly resist any and every project which must inevitably tend to advance the unholy and mischievous purposes of those who have openly and willingly violated the Missouri Compromise. . . . It is time for party distinctions to sleep, and for the South to present a united front." The rank and file of North Carolina Whigs were already as ardent supporters of the war with Mexico as were the Democrats, but the Whig leaders were more mindful of the danger of wrecking the whole party upon the rock of the Proviso. Senator Badger's plan was one of prevention rather than cure. He opposed the whole plan of acquiring Mexican territory by any method whatsoever. "Suppose," he said, "the territory now sought be acquired, how shall we dispose of it? How shall we escape the agitation of the slave question—an agitation which, come when it will, must shake the Union from its centre, alienate one portion of our people from another, and either destroy our national existence or leave it without the support of mutual confi-

[53] Raleigh Register, July 28, 1846.
[54] Raleigh Register, Feb. 28, 1847.
[55] Congressional Globe, March 23, 1847.

dence or mutual kindness."[56] Mr. Clingman, in the House, was endeavoring to induce the northern Whigs to meet the southern wing of the party on some middle ground. In December he made a notable speech[57] to the House in which he attacked the abolitionists of the North and the disunionists of the South with equal vehemence. He urged the northern Whigs to agree to a division of the prospective territory by an extension of the Missouri Compromise line westward to the sea. Any conclusion, however, seemed yet afar off.

When Congress met in December, 1847, the Whigs had a majority in the House of Representatives. Accordingly, a resolution was passed which declared that the war with Mexico was unconstitutionally and unnecessarily begun by President Polk. Four North Carolina Representatives, among whom was Clingman, voted for the resolution. Two others were absent who would have voted affirmatively,[58] the six making up the Whig delegation. Senators Badger and Mangum also favored such a declaration. Though technically this declaration may have expressed an historical fact, its support by the North Carolinians was clearly a part of their policy of conciliation and ingratiation, used for the purpose of promoting party harmony. The state Whig convention of 1848 registered this edict of the leaders and reinforced it by a declaration that the local party was entirely opposed to wresting forcibly from Mexico any part of her territory.[59]

This spirit of self-righteousness manifested by the North Carolina Whigs, though clearly meant for party purposes and as a means to an end in practical politics, laid them open to an attack from the Democrats on the score of recreancy to southern interests and southern rights. The Democratic convention characterized the resolution as giving aid and comfort to the enemy. The resolution, yoked

[56] Congressional Globe, March 23, 1847.
[57] Speeches and Writings of Thos. L. Clingman, 196.
[58] Standard, Jan. 12, 1848.
[59] Raleigh Register, Feb. 25, 1848.

with the Wilmot Proviso, was almost more than the local Whigs could bear in the way of party adversity. Undoubtedly they were in a precarious positon. Totally opposed in principle to the spirit animating the great body of northern Whigs upon the subject of slavery extension, yet dependent upon harmony for its existence, the party found increasing difficulty in maintaining itself. But the power of its leaders and the excellence of its organization again elected a Whig governor in 1848; and these factors, reinforced by the fear of the Democrats that Lewis Cass, the Democratic nominee for president, was not sufficiently pro-slavery, placed the state again and for the third time successfully in the Whig column, giving its vote to the successful candidate, General Zachary Taylor.

CHAPTER IV.

Slavery Agitation from 1850 to 1860: Parties.

At the beginning of Zachary Taylor's administration, March 5, 1849, no conclusion had been reached by Congress as to slavery in the territories. Even before the signing of the Mexican Treaty, by which in 1848 a vast southwestern territory was added to the Union, the people of the United States had begun to grow excited over the probable passage of the Wilmot Proviso, the object of which was to exclude slavery from the grant. The South began to inaugurate measures to prevent such congressional action, the method most frequently employed being the passage of resolutions by state legislatures. These resolutions usually instructed congressional delegations, besides serving as an authoritative expression of the will of the people.

Early in January, 1849, a set of resolutions on slavery extension were introduced by the Democrats in the popular branch of the North Carolina General Assembly. The fourth resolution declared that the enactment by Congress of any law which should directly or indirectly deprive the citizens of any of the states of the right of emigrating with their slave property into any of the territories of the United States and of exercising ownership over the same while in said territories would be the use of power contrary to the true meaning and spirit of the Constitution.[1] The Democrats continued to urge such resolutions during the session; but the Whigs, with a majority in both branches of the Assembly, were unwilling to deny the constitutionality of congressional prohibition of slavery in the new territory. Senator George E. Badger, the most influential Whig in North Carolina, had recently given his opinion in the United

[1] Journal of the North Carolina House of Commons, Jan. 13, 1849.

States Senate that Congress had full power over slavery in the territories.[3] Mr. Badger's reputation as a constitutional lawyer was national, and in the state his opinion always had great weight. The Whig legislature was disposed to follow him in admitting that Congress had such power, but deprecated its exercise as unwise and unjust. Resolutions embodying this view were passed on January 27, which closed with an admonition to all public servants of the state to discount whatever might suggest a suspicion that the Union could in any event be abandoned, and to repel every attempt to alienate any portion of the country.[3]

The secession spirit was active, however, in all the South, while there seemed imminent danger that slavery would be shut out of the Mexican grant south of the old Missouri Compromise line of 36° and 30′. Secession as a constitutional right was discussed in the halls of Congress and by every political sheet in the country. Southern and northern Whigs began to lose the power of common action. Representative Foote, of Mississippi, Democratic minority leader in Congress, wrote Thomas L. Clingman and other Whig Representatives of North Carolina in November, 1849, asking what position as southern Whigs they would assume in case the principle of the Wilmot Proviso, upon which the Whig party and the northern Democrats seemed about to unite, should, as was probable, come up in the congressional session about to begin.[4] Mr. Clingman, in reply, took the ground that existing compromises ought to be acquiesced in; that the exclusion of slavery from all the new territory would be a policy entirely revolutionary on the part of the general government, and ought to be resisted. He leaned toward secession as the means of resistance.

Mr. Badger, on the contrary, replying to Mr. Webster in the Senate, admitted that a state had no constitutional right

[3] Speech of Senator Badger. Raleigh Register, Nov. 14, 1848.
[3] Resolutions, Laws of North Carolina, session of 1848–1849, 237.
[4] This correspondence is published in the Standard, Nov. 28, 1849.

to secede from the Union, but claimed that, in point of fact, the Union would be broken if the South was driven to extremity.[5] The divergence of the views of these two Whig leaders began a division in the Whig party in North Carolina both on the constitutionality of congressional exclusion of slavery from the territories and on secession. Badger's influence was preponderant,[6] however, though Clingman's strategic position as Representative of the mountain district, a Whig stronghold, soon proved disastrous to the Whig ascendancy in the state.

Pending the settlement of the territorial question by compromise measures, in 1850 North Carolina, in common with other southern states, received the invitation of Mississippi to meet in a southern convention at Nashville for the purpose of emphasizing the South's demand that the Missouri Compromise line be extended to the Pacific. Though the convention was held, North Carolina sent no delegates and took no official notice of its existence, even the state Democracy considering the proposition premature. Separate state action was safest, most dignified, and least menacing.[7] A southern convention was to be a last resort, for the odium which had attached to the Hartford Convention was remembered.

The Compromise measures of 1850 were expected by the Whig party to adjust the sectional differences over slavery extension. This result, however, was not attained. The Southern Rights Association, under the lead of William L. Yancey of Alabama, vehemently denounced the measures,[8] and the Democratic press was almost unanimous in its repudiation. A large portion of the northern people were

[5] Peele, W. J., Lives of Distinguished North Carolinians, 220, et seq., has Badger's speech in full. Cf. Congressional Globe, 31st Cong., 1st sess., 389.

[6] Six Whig newspapers supported the views of Clingman and were influential in bringing about the Democratic victory in the gubernatorial election of 1850. The remainder still supported Senator Badger's views. See list as compiled by Raleigh Star, Nov. 21, 1848, and Standard, Nov. 21, 1848.

[7] Cf. Standard, Nov. 28, 1849.

[8] Hodgson, Cradle of the Confederacy, 280.

equally dissatisfied. The excitement attendant upon the capture of runaway slaves emphasized the broad differences between the views of northern and southern extremists. In North Carolina the Democratic party considered the admission of California as a free state to be more than a counterbalance for the benefits to be derived from the stringent fugitive slave law. Likewise, the shadowy rights granted to slavery in the remaining territory south of 36° and 30′ were deemed unsatisfactory and far from permanent.[9] Democratic resolutions were offered in the Assembly expressing a lack of faith in the whole compromise plan. These resolutions proposed an increase of taxes on land and polls for the purpose of defending the rights of the state when the contingency should arise.[10] The Badger and Clingman wings of the Whig party had not yet ceased to act together and, assisted by a number of conservative Democrats, defeated the resolution by a large vote.[11] With the end of the year, however, the long period of Whig control came to an end, though the Whig principle of conservatism was not immediately abandoned by the state. Causes as influential as slavery extension were operative in the change from a Whig to a Democratic state administration, and these make an examination of the political conditions in the state here necessary.

David Settle Reid was chosen governor of North Carolina in August, 1850, being the first Democratic governor ever elected by the people. The state had been under Whig rule since the election of governor was given to the people by the reformed constitution of 1835. This constitution made federal population in the counties the basis for distribution of the one hundred and twenty members of the house of commons and for the election of governor.[12] Taxes were made the basis for the senate, and voters for senators must

[9] Standard, Dec. 17, 1850.
[10] House Journal, 1850–1851, 592.
[11] The vote in the house was 82 for and 20 against the resolutions.
[12] Previous to this date, 1850, the General Assembly had elected the governors.

own fifty acres of land.[13] The constitution was a compromise between the diverging interests of the slave-holding east and the non-slave-holding west, and had been adopted by a strictly sectional vote. The settlement of the question of representation had not satisfied the west, but was the best attainable at the time. Slave population did not spread uniformly over the state. The west found no use for slaves in the wooded coves of the mountains or on the thin lands of the eastern slope. The white population of the west was also much less stable than that of the east. Men kept constantly pushing along the mountain's foot to the newer and richer lands of the southwest, while many crossed the mountains and set their faces toward the Mississippi Valley and the far west. California and gold-mining had a far stronger influence in the western counties of the state than among the slave-holders of the middle and eastern counties. Hence no slight political advantage accrued to the east by the addition of three-fifths of its slaves to its more steady white population. Moreover, the slaves were counted again as property in the apportionment of senators.

In 1848 Reid succeeded in inducing his party to accept "free suffrage" as a plank in its platform, a proposition of which he was the author.[14] The plan proposed to amend the state constitution by an abrogation of the freehold qualification of voters for senators, and to apportion the senators as were the members of the commons, that is, on the federal basis. It liberalized the franchise only so far as to permit non-freeholders to vote in all elections. This concession gave the plan a popular impulse among the landless class in both the east and the west.

Western men, however, who analyzed the proposition readily saw that slight benefit was to be derived by their section from its operation. What they would gain in the destruction of the property qualification would be lost when three-fifths of the slaves of the east were counted in the

[13] Constitution of N. C., 1835, Sec. 5.
[14] Wheeler, J. H., Historical Sketches of North Carolina, II, 355.

apportionment. Reid was defeated in 1848, though his measure had developed unexpected strength and was to be again brought forward in 1850. The western leaders, in order to stem the popular impulse toward the Democratic plan of "free suffrage," now proposed a plan far more radical in scope than anything contemplated by the Democrats. They offered to abrogate both the freehold qualification and the federal basis and to substitute free white manhood suffrage in all elections.

The white basis plan did not meet the approval of the Whigs in the middle and eastern counties.[15] Deriving power from federal representation, they were loath to give it up. This left the mountain counties only in support of the white basis proposal. Reid was elected in 1850 over the divided opposition and both branches of the General Assembly became Democratic at the same time.[16] The "free suffrage" amendment could not yet be effected, however, since a two-thirds vote was required by the constitution to change any of its features. The vote in the senate was along sectional lines, being 33 for and 17 against.[17] In the house the majority for the amendment was smaller in proportion to numbers.

In preparation for the next election the Whig members of the Assembly made an attempt to harmonize the opposing elements in their party. An address was issued to the people in which the constitutional history of the state was reviewed and the grievances were recapitulated which the west had suffered since 1776. By the census of 1840—the basis of the last apportionment—it was shown that seventeen western senators represented an actual majority of the white inhabitants in the state, while the remaining thirty-three represented the minority east and its property in slaves and land.[18] A convention of the people was recommended to

[15] Bassett, J. S., Suffrage in N. C., 131.
[16] Raleigh Register, August 14, 1850.
[17] Senate Journal, 1850–1851, 338.
[18] This address is published in Raleigh Register, Jan. 11, 1851, and Feb. 1, 1851. The line between east and west was naturally drawn

amend the constitution as against the Democratic plan of amendment by legislative enactment. It was clear from the address, however, that the majority did not wish to destroy the federal basis of representation in the lower house. The trans-mountain men were unable to secure a recommendation of the white basis and the situation remained unchanged. The Democrats successfully reëlected Reid on the "free suffrage" issue again in 1852, though they were still unable to carry the measure through the Assembly by the requisite two-thirds majority. By 1854 the white basis idea had lost some of its support, or many of its adherents had recognized the impracticability of securing their demands. The regular Whig convention specifically stated that no change from the federal basis was desirable.[19] The western Whigs met in a dissenting convention in the mountains and threatened to put out a white basis candidate.[20] The movement came to naught, however, beyond further weakening the party. In November the Democrats were strong enough to pass their "free suffrage" bill; it was ratified by the succeeding Assembly as required by the constitution, and approved by the people the following year.[21]

Governor Reid carried his suffrage measure to a successful conclusion, but he was less effective in causing the state to assume a radical attitude toward the federal government. His first message after inauguration in 1851 recommended coöperation with the other southern states in taking the steps necessary to maintain the compromises of the Constitution.[22] His words were generally understood to be a threat of secession.[23] Both branches of the Assem-

arbitrarily, else the western division could not have contained a majority of the population. See census report for N. C., 1840. Also reduced census results of 1850 in Wheeler, Sketches, Vol. 8.

[19] Whig Convention Platform, Fayetteville Observer, Feb. 24, 1854.

[20] This convention of seceders met at Hendersonville. An account of it is in Fayetteville Observer, April 24, 1854.

[21] Laws of North Carolina, 1855, 1857, 12 and 13.

[22] Reid, MS. Letter-book, 140, Message to the Assembly.

[23] Raleigh Register, Jan. 8, 1851.

bly were safely Democratic, yet a radical report,[24] which declared secession constitutional, failed of adoption, and in its stead was substituted another of a conciliatory tone.[25] Western Democrats generally, with the Whigs, supported the conservative report.[26] This result was due to the feeling of common interests between the small number of western Democrats and the Whig party, and is evidence that "free suffrage" rather than the renewed national slavery agitation was responsible for the Democratic victory in the last state elections.[27] By this action of the Assembly the resistance doctrine advocated by the governor received a check, and public opinion was prevented from growing further excited over the possible wrongs in the compromise measures.

The Clingman and Badger factions of the Whig party in North Carolina looked to the national Whig convention of 1852 to close their differences. The nomination of President Fillmore would satisfy both, and was the only condition upon which Clingman and other radical southern Whigs would remain in the party. Fillmore had satisfied the southern Whigs by his attitude toward slavery and his faithful execution of the fugitive slave law, and in consequence had become distasteful to the northern extremists of his party. Therefore, when Fillmore's claims were set aside and General Scott received the nomination instead, Mr. Clingman considered it a triumph of the Seward or anti-slavery faction and immediately severed his connection with the party.[28] The convention nominated William A. Graham of North Carolina for the vice-presidency upon the ticket with General Scott, but this did not compensate the party in North Carolina for the loss of Mr. Clingman, who now supported Franklin Pierce, the Democratic candidate.

[24] House and Senate Documents, 1850–1851, 245, 261.
[25] Ibid., 243.
[26] Speech of N. W. Woodfin of Buncomb, Raleigh Register, Jan. 25.
[27] Representative Clingman had not yet definitely withdrawn from the Whig party.
[28] Speeches and Writings of T. L. Clingman, 308–309.

Graham was secretary of the navy in Fillmore's cabinet but gave close attention to North Carolina politics.

The platforms of both the Whig and Democratic state conventions, following the example of the national parties, affirmed the finality of the compromise measures of 1850, thus leaving nothing apparently to choose between the parties on that score. In congressional representation North Carolina was yet Whig; both Senators were Whigs,[29] and six of the nine congressional districts had elected Whigs in 1851. These were the two extreme eastern and the four western. The Democrats held the three central strong slave-holding districts. This was the usual alignment,[30] and had been preserved practically since 1835. Clingman's defection, however, decided the result of the election in North Carolina; five western counties which had hitherto been Whig, under Clingman's influence now gave Democratic majorities, making up the total majority for Pierce electors 686 votes.[31]

Disaffection in the mountain district was fatal to the state Whig organization. This region, more than any other, was free from the economic and social conditions which elsewhere produced a tendency toward particularism. It had long been looked upon as a stronghold of the Whig party. Conservatism was not abandoned in principle, yet it was evident that Clingman, for the time being, would control the district in the interest of the Democratic party.[32] Moreover, the national organization was breaking up. It could not longer exist composed of such opposing elements as those represented by Seward and Greeley in the North and by Toombs and Clingman in the South. The Whig spirit continued to live in North Carolina and to oppose particularistic doctrine until the end of the decade.

The year 1853 was devoid of political interest in North Carolina. It was a period of quiet preceding the beginning

[29] Messrs. George E. Badger and Willie P. Mangum.
[30] See Chapter III.
[31] Election Returns, Standard, Nov. 17, 1852.
[32] Cf. Fayetteville Observer, Nov. 24, 1852.

of the final legislative struggle in national politics over slavery. The people were not conscious, however, that a new agitation was near and were quite unprepared for the developments of 1854.

The Kansas-Nebraska bill, introduced in the United States Senate on January 4, 1854, by Stephen A. Douglas, became a law by the signature of President Pierce, May 20, following. Its provisions repealed the Missouri Compromise Act and substituted the principles of popular sovereignty to determine the question of slavery in the territories. During the months in which the bill was pending in Congress the southern Whig party was peculiarly situated. The measure being Democratic, the Whigs at first seemed disposed to oppose it on party grounds as well as from a fear of renewed agitation should existing compromises be disturbed. In North Carolina the first impulse was to distrust the measure.[33] Douglas' motives were supposed to be for his own personal advancement, and the fear was expressed that the South, like ancient Troy, was invited to accept a Grecian horse.[34]

Senator Badger, however, was an earnest supporter of the bill. As proof to his northern partymen that it was a sincere effort to remove the slavery question from the halls of Congress, he secured the adoption of an amendment which specifically forbade the revival of slavery under the old French law when the Missouri Compromise Act should be repealed.[35] Only two of the Whig Representatives from North Carolina refused to vote for the bill upon its first

[33] Raleigh Register, Feb. 1, 1854, said: "We confess that we doubt the utility of disturbing the Missouri Compromise, which was acquiesced in by the South as the condition of the admission of Missouri as a slave state—though we hardly know what modification our views may undergo. The North may say that by attempting to repeal the slavery restriction clause, the south has violated a solemn compact, and it will be difficult to refute the charge. The bill at all events will be the rallying cry for another anti-slavery agitation which will far exceed any which we have yet had."

[34] Fayetteville Observer, April 3, 1854.

[35] Congressional Globe, 1st sess., 33d Cong., 520. Senator Willie P. Mangum's seat had been vacant since the beginning of the year and the N. C. Assembly had not yet elected his successor.

passage in the House.[36] The Whig state convention had met in February and declared in favor of the principles of non-intervention, but did not specifically mention the Kansas-Nebraska bill.[37] By the middle of the summer the party was as enthusiastic in its support as were the Democrats, who from the first had hailed it as a long-delayed but welcome agreement with the North as to a just settlement of the question of slavery.

The Democrats in 1854 nominated Thomas Bragg to make the race for governor with Alfred Dockery, the Whig candidate. The lately enacted Kansas-Nebraska bill gave to the campaign the character of a congratulatory celebration. The convention had endorsed the measure and extended thanks to Senator Douglas for its inception and to other members of Congress from non-slave-holding states who supported it.[38] In strong Democratic centers the returned congressmen, both Whigs and Democrats, were tendered public dinners, and an era of good feeling was inaugurated. Bragg was elected governor. In the fall ex-Governor Reid displaced Mr. Badger in the Senate,[39] so with the exception of three congressional districts the Democrats now had complete control in the state.

The South had hardly settled into a pleasant enjoyment of the thought that the whole country had returned to a sense of justice on the slavery question before it began to be understood that the intense hostility of northern Whigs to the act which repealed the Missouri Compromise much more nearly represented the sentiment of the northern people than did the complaisant and accommodating attitude of northern Democrats. By July it began to be bruited in North Carolina that the indignation of the North was something more than a mere ebullition of popular feeling. Fear

[36] These were Messrs. Sion H. Rodgers and R. C. Puryear.
[37] Proceedings of the Whig State Convention, Raleigh Register, Feb. 25, 1854.
[38] Democratic Convention Proceedings, Standard, April 22, 1854.
[39] Asa Biggs, Democrat, received the second senatorship and retained it until 1858, when he made place for T. L. Clingman by resignation.

was expressed that an issue had been drawn upon which there was great danger of northern party factions uniting.[40] On August 23 the *Standard* published the proceedings of the Anti-Nebraska Convention held at Saratoga, in which Horace Greeley declared war on slavery, alleging that the South had broken its compact. Already emigrant aid societies, supported by popular subscription and backed by intense popular enthusiasm, were preparing in the North to contest the soil of Kansas with the slave-holder. The reflex feeling in the South brought renewed discussion of secession and the whole country was soon again in a glow of excitement over the rival efforts of northern and southern factions for supremacy in Kansas.

The features of this long drawn out struggle are too familiar to require a review in this connection. Its influence upon conditions in North Carolina was not essentially different from that upon other southern border states. The Whigs were too far committed by their approval of the Kansas-Nebraska Act to claim exemption from responsibility for its results. Both parties felt that its miscarriage was due to the breaking of a tacit agreement by the northern people.[42] The logical course for parties in the state would have been a coalescence under the influences of the Kansas contest. This was the tendency; but there were fundamental differences in the basis upon which the political as well as the economic and social life of the people was organized which prevented its actual accomplishment. The Whigs necessarily remained an opposition party because a very large number held different views from the Democrats both upon the importance of slavery and upon the constitutionality of methods of redress when the institution was attacked.

The presidential election of 1856 came in the midst of the Kansas excitement, and North Carolinians were not with-

[40] Standard, July 5, 1854.
[41] Standard, Sept. 20, 1854.
[42] Fayetteville Observer, Sept. 11, 1854. It had been expected that Kansas would become a slave state without opposition from the North, and Nebraska a free state unmolested by the South.

out grave fears as to the probable results. In the North the Republican party had been organized upon the ruins of the Whig party. John C. Frémont was the candidate, upon a platform which in spirit was inimical to slavery even where already existing. Congressional election returns indicated that the party had already developed remarkable strength. The Democrats nominated James Buchanan upon a platform which embodied the principle of the Kansas-Nebraska Act, and the South seemed determined upon making his election the condition upon which it would remain in the Union.

In October Thomas L. Clingman published an address to the people of North Carolina in which he outlined a plan for disunion in the event of the election of the Black Republican candidate.[43] This plan possessed no features distinguishable from former methods suggested, but it served to familiarize the Democrats with the use of an effective campaign weapon. It is difficult to determine what effect the election of Frémont in 1856 would have had upon the state or upon the South. Certainly a few Democratic leaders, among them Senator David S. Reid, W. W. Holden, and Mr. Clingman, were as earnest in their advocacy of secession in the event of party defeat as were any of the Hotspur leaders of the cotton states. Moreover, the opposition party was in a peculiarly disorganized state and was not prepared for the issue.

The people showed evidences of unusual excitement.[44] On October 13 Governor Wise of Virginia and Governor Adams of South Carolina were guests of Governor Bragg in Raleigh, and Governor Johnson of Georgia was confidently expected. The ostensible purpose of the visit of these neighboring governors was to attend the state fair then about to begin. Speculation was rife as to the significance of the meeting, and a rumor was afloat that a dissolution of the Union was to be discussed and a plan of action

[43] Clingman's Address, Fayetteville Observer, Oct. 18, 1856.
[44] Standard, Sept. 13, 1856.

agreed upon in advance of the November election. No evidence is forthcoming, however, that the meeting had a political object. But the event was unusual, especially so in that the governors took their departure one day before the opening of the fair. Many viewed the conclave as a portent of disunion.[45]

Though the whole of the year 1856 was a period of excitement in North Carolina, the strong undercurrent of the state's conservatism was exhibited by the people's attitude toward the Brooks-Sumner affair in the United States Senate. Irrespective of party, Brooks' conduct was very generally condemned as an outrage.[46] On his way to his home in South Carolina Representative Brooks spent a night in Raleigh, and a number of citizens gathered at his hotel in the evening and requested a speech. His remarks seem to have reduced the slight sympathy in which his act had hitherto been held.[47] Buchanan's success in the state and in the national election in November was greeted as a welcome relief from the political turmoil of the year. The triumph was marred, however, by the import of the overwhelming victory of Republican electors in twelve northern and northwestern states.

The American or Know Nothing party served meanwhile as a party shelter to the Whigs in the North who refused to enter the Republican party and to those in the South who refused to become Democrats. Founded upon opposition to the influence of Catholics and foreign immigrants in American politics, this party had, in the South, no real reason for existence.

European immigrants did not come in any large numbers

[45] Raleigh Register, Oct. 15, 1856. The editor of the Register, disregarding the rôle of host, blazed out fiercely against the supposed "schemes of treason and disunion," and demanded that the people should know by whose invitation the governors came, why they met just in time for the returns from some of the northern elections, and why such an official attempt was made to hitch North Carolina to "the car of disunion."

[46] Fayetteville Observer, June 2, 1856.

[47] Cf. Raleigh Register, Sept. 3, 1856.

into the slave states; North Carolina received practically none at this date, yet the American party found good political soil in the state, many of the Whigs entering it with the hope of preserving a national party entity.

Recording the death of the state Whig party and the birth of the American party in the same issue, the Democratic press warned the people to beware of the "dark lantern movement."[48] Nevertheless, the party rapidly developed strength, and early in 1855 district councils were held and candidates nominated for Congress. In the succeeding election in August three congressmen were elected by the Americans, and they polled 45 per cent. of the total vote in every district carried by the Democrats.[49] In 1856 John A. Gilmer was nominated to oppose Governor Bragg in the gubernatorial contest. Gilmer was the American representative of the fourth district,[50] which, in large part, was made up of counties inhabited by the Friends and known in state politics as the "Quaker District." Like his peaceful constituents, Gilmer was thoroughly conservative, yet he was an active and aggressive combatant of Democratic particularism.

Notwithstanding Gilmer's active leadership, the enthusiasm which greeted the party upon its entry into the state had now begun to disappear. The novelty of secret political organization soon wore off, and the people did not feel that the principles upon which the party was founded were vital. Kinship to ancient federalism was a stigma difficult to remove.[51] In the election Bragg carried the state by a

[48] Standard, Sept. 23, 1854. The term "dark lantern" was in reference to the secret feature of the American party organization and to the practice of meeting at night.

[49] Official Returns, Standard, Aug. 22, 1855. By the 1854 apportionment the state's representation was reduced from nine to eight.

[50] This district was traditionally conservative. The Quakers, while careful not to antagonize the laws under which they lived, were anti-slavery in principle and practice. They emancipated their own slaves at the earliest date practicable under the laws and colonized many of them in Hayti. See Weeks, Stephen B., Southern Quakers and Slavery.

[51] Standard, April 28, 1855.

majority of 12,594 votes, the result being proof to the Americans that their party could never command the strength of the old Whig organization. Consequently disintegration began. The tendency was to return to original Whig principles and to attempt to revivify that party with the safety of the Union as the party slogan. The greatest practical hindrance in this undertaking was the total submergence of the Whig organization in the North.

The same issues of papers in North Carolina which published President Buchanan's inaugural address in March, 1857, published also the decision of the United States Supreme Court in the Dred Scott case.[52] Public attention, which had in part been withdrawn from Kansas for a time and absorbed to an unusual degree in the presidential contest, was riveted anew by this famous decision upon the still unended struggle in that territory and upon slavery in general. North Carolinians expected the decision to put an end to slavery agitation. They believed that abolitionism had been stunned, faction and treason in both sections of the Union rebuked, and the Constitution restored.[53] W. W. Holden, speaking for the Democracy, said: "This decision concedes to the southern people all they have ever asked—the Constitution. If they are true to themselves they will never take anything less." The fact that the North hailed the decision with a loud protest, and in some quarters with ridicule,[54] did not diminish the people's faith in its efficacy.

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[52] For this case see Howard, U. S. Supreme Court Reports, vol. XIX, 293. The main questions involved were: first, whether a negro was a citizen and competent to sue in the courts of the United States; second, whether the legal condition of a slave as property was affected by his sojourn in a free state; third, whether the Missouri Compromise Act, prohibiting slavery in the territories north of 36° 30′, was constitutional. Each of these questions was answered in the negative by the majority opinion of the court.

[53] Cf. Standard, March 18, 1857.

[54] Horace Greeley, in the New York Tribune, asserted that the decision was entitled to just so much moral weight as would be the judgment of a majority of those collected in a Washington bar-room. Quoted in Fayetteville Observer, March 15, 1857.

The result of the Dred Scott decision with which we are chiefly concerned was its effect upon the national Democratic party. Senator Douglas remained firm in his insistence that popular sovereignty should decide the issue in Kansas, while President Buchanan claimed that the point was immaterial after the Supreme Court's dictum. The disagreement forced Douglas to act with the Republicans in opposition to Buchanan's plan of admitting Kansas to statehood under the Lecompton Constitution.[55] The northern Democrats in support of Douglas were thus broken away from the southern section of the party which supported the President.

Though North Carolina, in common with the other southern states, upheld the President's policy, there was a strong dread on the part of the Democrats of giving up Mr. Douglas and the hope of coöperation with his followers. The decision of the party seemed to make a Republican victory sure in 1860. Even radical Democrats remembered that the South, even if united, was in the minority in the Union, and that protection could not be had without the aid of northern statesmen and northern voters. Should the division continue through President Buchanan's term a crisis was expected to arrive with the next election.[56]

In North Carolina gubernatorial elections occurred in the even years and congressional elections in the odd years. In 1857 the Democrats were successful in every congressional district save one—the Quaker district—which reelected John A. Gilmer. Still, the best known leaders in the state, Messrs. Mangum and Morehead, Badger and Graham, refused to enter the Democratic party which they had opposed so long upon fundamental differences of principle. Thomas L. Clingman, however, had been definitely gained, and his power over the western counties which again reëlected him

[55] The Lecompton Constitution was the constitution of the pro-slavery men in Kansas. The pro-slavery leaders refused to submit the slavery cause to the voters, and thus designed to defeat the principle of Senator Douglas' plan.

[56] Standard, July 22, 1858.

to Congress made Whig rehabilitation a slow process. Yet personal antagonisms were beginning to show among the leaders of the paramount Democracy, and drew the attention of the people away from national and centered it upon home politics. The next Democratic state convention began a serious division in the party's ranks.

This convention, called to nominate a candidate for governor, met at Charlotte, April 14, 1858. It was expected that the transfer of the convention this year from Raleigh, its usual seat, to a western town, would greatly strengthen the Democratic feeling of the whole west, which was already fast gaining under the tuition of Mr. Clingman. W. W. Holden was chairman of the Democratic state executive committee, and his intention to become a candidate for the nomination also had an influence in taking the convention to Charlotte. Holden's supporters were mainly in the west among the new non-slave-holding Democrats.

The platform adopted by the convention was short and succinct.[87] It cordially approved the Buchanan administration and endorsed the President's position in favor of the immediate admission of Kansas under the Lecompton Constitution, regarding the measure as essential to the quiet of the country. In the narrower field of state politics the convention pledged the party to the completion of the works of internal improvement already begun and the construction of such others as might be deemed expedient. This was a concession also to the western voters who were clamorous for the completion of the western North Carolina Railroad now already begun toward the mountains from Salisbury. The platform, however, was not so much the center of general interest as was the probable nominee for governor.

John W. Ellis, a circuit court judge residing at Salisbury, and W. W. Holden, editor of the *Standard*, were the opposing candidates for the nomination. For reasons to

[87] Democratic Platform and Convention Proceedings, Standard, April 21, 1854.

be explained hereafter Mr. Holden was not an acceptable candidate to the eastern slave-holders, who exercised a preponderating influence in the party councils. They preferred Ellis, who, though a middle western man, was allied by birth, sympathy, and interest with the aristocratic régime of the slave-holding Democracy.

An adroit move on the part of Ellis' followers secured as the rule for voting in the convention the majority of the Democratic strength of the counties, *i. e.*, that the delegation from each county should cast as many votes as their county had cast for the Democratic candidate in the gubernatorial election of 1856, and that a majority vote should nominate. This rule militated seriously against Holden's chances, since of course the eastern counties which were opposed to him had given much heavier Democratic votes than had the western counties which supported him. Yet in the preliminary skirmishing the chances of the opponents seemed equal until the deflection of one strong eastern delegate, whose influence had been pledged to Holden but who was afterward won over for Ellis by the eastern men. Ellis was nominated on the first ballot; Holden received the votes of only three eastern counties, while nearly all the western counties were cast for him. The result was not only a disappointment to Holden, who, on account of the invaluable services he had rendered the party had a right to expect the nomination,[58] but was also the entering wedge of a class distinction which seriously hampered the party at a later date.

The personality of both Holden and Ellis requires attention in this connection, not only because of the subsequent influence of each upon the Democratic policy in North Carolina, but because even at this date they represented radically different elements within the party and the state. Ellis was

[58] For the conclusions drawn from the results of this convention the author has relied upon newspaper comment of both parties and upon the personal evidence of Mr. John A. Nichols, of Raleigh, who was personally familiar with the course of state politics at the time.

decidedly aristocratic both by inheritance and training.[59] A typical English southerner of the slave-holding class, he had habits of authority and command indelibly stamped upon his character. After having received good early training he entered Randolph-Macon College in Virginia, where he spent several years. Later on he took his degree at the University of North Carolina. He read law for two years and came to the bar in 1842, at the age of 22 years. After serving several terms in the house of commons, in 1848 he was elected a judge of the Superior Court and served the bench with ability until his nomination for governor in 1858. His relation to North Carolina history from 1858 until his death in 1861 shows that Governor Ellis was a man of the strictest state rights views, and that he possessed the courage of his convictions. He recognized much earlier than did the state at large that North Carolina was destined to act with her sister slave-holding states, and he bent his energies toward preparation for the crisis.

William W. Holden was his opposite in origin, training, and character. Born in poverty and obscurity, of the most humble parentage, in a slave-holding district where social and intellectual eminence was rarely attained by those outside the pale of the politico-social aristocracy, Holden had by indomitable will and sheer energy forced his way up to a position of peculiar power in the state. As a boy Holden had no educational advantages beyond such as he obtained by apprenticing himself to the editor of a Whig newspaper in Hillsboro, the old state capital, in his native county, Orange.[60] In 1848, a young man, he came to Raleigh seeking employment in a larger field. There he found an unexpected opportunity. The state had been consistently Whig for a decade. The fortunes of the Democratic party were at such a low ebb that the aged editor of the party organ, the *North Carolina Standard*, despairing of party success

[59] The author is indebted to Wheeler, J. H., Reminiscences, page 405, et seq., for facts relating to the early life of Governor Ellis.

[60] This newspaper was the Hillsboro Recorder, edited by Dennis Hart, a man of unusual force and originality.

in his time, wished to give up the paper. The managers offered the editorship to Holden, who, though of Whig training, was young enough to make a new party alignment. In point of fact, party principles seem to have been no great obstacle to him when weighed against his necessity for a business and political opportunity. He promptly accepted the offer and assumed control. The opportunity was a stimulus to his ambition and, with a hope of ultimate success, he threw himself into the task of reviving the state Democracy.[61]

To Holden's efforts were due in large part the popularizing of the Democratic "free suffrage" measure of 1848 and D. S. Reid's election in 1850.[62] This was a task the more congenial to him because the success of the measure involved to an extent the democratization of the Democratic party, and hence was in line with his own feelings as one of the common people. Both as an editor and as a practical politician Holden was invaluable to the party in keeping Democratic principles dominant from 1850 to 1860. Though he defended slavery with great ability, Holden always remained without the personal service of slaves, a representative of the artisan classes, whose confidence he fully possessed. He never inspired, however, the full confidence of the slave-holding aristocracy, and to this it was generally understood[63] was due his defeat for the nomination at Charlotte. His nomination in the convention would undoubtedly have strengthened the party among the non-slaveholding classes, but on the contrary the denial of his claims alienated them. Antagonisms were veiled, however, and the break was not abrupt.

In the campaign Ellis had no organized opposition; the Americans did not have a candidate and Duncan K. McRae, a former Democrat, opposed him independently. McRae's declared purpose in turning free lance was to call the atten-

[61] See Boyd, J. K., Monograph. The Life of W. W. Holden.
[62] Bassett, J. S. Suffrage in North Carolina, published by the Amer. Hist. Assoc., 1895, 282.
[63] Raleigh Register, May 6, 1858.

tion of the people from slavery alarms and fix it upon the needs of manufactures, internal improvements, and education, all of which were in a depressing condition.[64] Ellis' victory was assured; but McRae received an unexpectedly large vote,[65] being mainly supported by the disorganized Americans. The suddenly developed strength of the independent ticket warned the Democratic leaders that the tendency of the people was toward local rather than national issues, and that their party stood upon a precarious footing when an independent candidate could command such a vote.

The victory of Stephen A. Douglas over Abraham Lincoln in their notable campaign for the Illinois senatorship in 1858 was an exception to the almost unbroken series of Republican victories at the North in the fall elections. Republican successes served as opportunities for the southern Democracy to appeal to the southern oppositionists for a united stand against their common enemy. This appeal was effectual in a number of lower southern states at this date, resulting in a practical consolidation of parties. In North Carolina, however, the opposition felt that the Democracy had had its opportunity to compose the country and had failed.[66] Democratic victory in the national and state elections in 1860 promised to be at a greater cost in the state than in 1856. Whether it could be purchased at all seemed to hang on circumstances not yet developed. The Whigs were about to reorganize, and Holden's followers were not yet appeased.

Although Governor Ellis found it necessary, in his inaugural address, January 1, 1859, to use pacific language in his discussion of the threatened disruption of the Union, yet his attitude showed his inflexible determination to preserve intact the constitutional rights of the state as they were interpreted by the aggressive southern Democracy. He said: "We are not prepared for the acknowledgment

[64] McRae's Address to the People of North Carolina. Raleigh Register, May 19, 1858.
[65] Ellis received 52,000 votes; McRae, 40,000.
[66] Raleigh Register, Nov. 10, 1858.

that we cannot enjoy all our constitutional rights in the Union. Should that day unfortunately come, but little doubt need be entertained that our people will act as best comports with their interests and honor and with the sacred memories of the past, to whatever the result may lead."[87] Prevailing public sentiment would not have sanctioned a stronger expression than this on the relation of the state to the Union. It was understood that unless some means were found to heal the strife among the Democratic leaders there would be grave danger of party defeat in the approaching congressional election. The dissensions, begun by Holden's defeat at Charlotte, had been increased by the second defeat of that editor for the United States senatorship. The General Assembly had chosen T. L. Clingman for the short term, over Holden, while the long term was given to ex-Governor Bragg, who had foregone a second term as governor. This treatment of Holden, whose claims were supported by the really Democratic portion of the party,[88] very nearly produced an open break in the ranks.

The visit of President Buchanan in June and his address delivered at the commencement exercises of the State University drew together Holden and the Democratic leaders of the ruling faction, all of whom were members of the university board of trustees. A truce seems to have been patched up, and Holden continued in active support of the Democracy. All visible signs of factional strife disappeared for the time. The theme of the President in his address was "The Constitutional Union,"[89] a subject grateful to the ears of the state Democracy provided the "Constitution" received the more specific emphasis. Buchanan dealt with the subject diplomatically, and his sentiments were heartily received by the large crowds in attendance and reëchoed by the press throughout the state. Numerous letters endorsing his views appeared in many of the

[87] Inaugural Address, Raleigh Register, Jan. 12, 1859.
[88] Raleigh Register, Dec. 1, 1858.
[89] President Buchanan's address is published in the Standard, Jan. 15, 1859.

state papers. The chief importance of the presidential visit, however, was the accomplishment of the result for which it was evidently designed by the Democratic board, *i. e.*, the closing, at least temporarily, of the factional fight in the state Democracy.

The bickerings of the Democrats among themselves were hushed none too soon for party safety. Early in the year the Know Nothing members of the General Assembly met in a caucus, agreed to abandon Know Nothingism, substituted Whig as the party name,[70] and determined upon a united fight against the Democrats in both state and national elections in 1860. The first attention of the rehabilitated party was given to the congressional elections in August. The result was an equal division of the eight congressional districts between the two parties. Besides electing four Representatives, the new Whig party cast a large vote in the four Democratic districts.[71]

The condition essential to the growth in North Carolina of this new Whig party, with principles of the old one, was the absence of slavery agitation in national politics. No rival party could hope for success while it was necessary to defend the principles of its Democratic opponent. Hence, John Brown's fanatical attempt at Harper's Ferry, in October, to raise the slaves in insurrection, suddenly arrested the party's development.

Brown's capture and swift execution brought out many expressions of sympathy in the North, especially in abolition centers. The South received such expressions of sympathy as northern endorsement of an attempt to subvert her institutions, and the smouldering embers of sectional bitterness were again blown into a vivid flame. Although in North Carolina the Whigs were calmer in their criticism of the incident than were the Democrats, yet the Whig party organ declared that the South would now never submit to the election of Seward or of any sectional Republican.[72] This was

[70] Know Nothing Caucus Proceedings, Standard, August 24, 1859.
[71] Election Returns, official, Standard, August 24, 1859.
[72] Raleigh Register, Nov. 19, 1859.

radical ground for the Whigs, more radical than events proved the party willing to hold. Yet it is undoubtedly true that such a feeling of danger to slavery was almost universal in the South, and caused an absolute dread of a Republican president.

Since the General Assembly met only in the even years, no official expression of North Carolina's sentiment as to the Harper's Ferry incident could be had except through the governor and his council. Governor Ellis, therefore, called together his council on the seventh of December, and passed a series of resolutions in support of Governor Wise of Virginia in his efforts toward quick justice for the offenders. The resolutions declared: "If we cannot hold our slave property, and at the same time enjoy repose and tranquility in the Union, we will be constrained in justice to ourselves and our posterity to establish new forms."[73] The council advised the governor to encourage the organization of volunteer companies and to apply to the President for arms. The governor had already adopted this as his policy. Four months before he had applied to Secretary of War Floyd to replenish the arsenal at Fayetteville with modern arms and the request had been complied with a few months later.[74] Even from conservative quarters came the recommendation to prepare for war; to build powder factories and foundries for cannon; to renovate the military system of the state by requiring each county to have at least one well-equipped volunteer company which should be mustered and drilled often enough for efficiency.[75] This feeling of a necessity for preparation arose from no desire for war, but from a dread of unpreparedness should hostilities be unavoidable, as was undoubtedly feared.

Slaves were always allowed a fair measure of personal freedom in North Carolina. Even on the larger plantations the master usually knew each slave personally, and

[73] Resolutions of the Council of State, published in all state papers in December, 1859.
[74] Ellis, MS. Letter-book, 76.
[75] Raleigh Register, Nov. 30, 1859.

was the court of appeals in case of wrongs from overseers. Religious and social gatherings of slaves, though under certain disciplinary restraint, were governed by no hard and fast rules, and the pass system for negroes at night was liberal in its operation.[76] When the new agitation arose after the John Brown raid the state press began to urge masters to curtail the large liberty enjoyed by their slaves.[77] A second cause for this new attitude was a book called "The Impending Crisis of the South," published in New York in 1857 by Hinton Rowan Helper, a native of Rowan County, North Carolina. This book was in the main a compilation of statistics intended to prove that slavery was an economic curse to the South. In addition it contained sentiments usually expected only from abolition centers at the North. As a non-slave-holder and hater of the slave labor system the author injected no little class venom into his pages.

Helper's book attracted no special attention until 1858, when Horace Greeley of the New York *Tribune* began a movement to procure its broad circulation in both the free and slave states. For this purpose he secured its endorsement by sixty-eight Republican members of Congress. Popular feeling now became very strong in North Carolina against abolition propagandism. There was already a law upon the statute books against incendiary literature. "The Impending Crisis" was classed under this head and several prosecutions for its distribution were secured.[78] The council of state advised the governor to require justices of the peace to subject canvassers and peddlers to the strictest scrutiny. These often proved to be distributors of literature highly objectionable to slave-owners.

When Congress met in December both the John Brown raid and Helper's book became of great importance in na-

[76] Bassett, J. S. Slavery in N. C.

[77] Standard, Dec. 7, 1859, Raleigh Register, Nov. 30, 1859.

[78] Fayetteville Observer, January 2, Jan. 9, 1860. The most notable of these trials was that of a Quaker, Daniel Worth, at Greensboro. Worth was a declared abolitionist.

tional politics, the former in the Senate, the latter in the House. The Senate controversy had no more bearing on conditions in North Carolina than upon the South in general, and therefore has no special interest in this connection. But the contest for the speakership in the House of Representatives, in which the Helper book determined the result, was intimately bound up with the state of parties in North Carolina as well as in the Union. The Republicans had a majority over the Democrats alone, but the Americans or original Whigs, twenty-six in number, held the balance of power between the two. The Americans claimed to be the only non-sectional party in existence. Soon after the first ineffectual ballot a Democrat offered a resolution which declared that no member who had endorsed "The Impending Crisis" was fit to be speaker.[79] This was aimed at John Sherman of Ohio, the Republican candidate, who was among the endorsers. The Democrats hoped for the votes of the Americans to enable them to defeat Sherman and elect a Democrat. Instead of this development John A. Gilmer of North Carolina, American Representative of the Quaker district, moved an amendment to the Democratic resolution which left nothing of it except the word "resolved." In its place he proposed a declaration that it was the duty of all good citizens to oppose every attempt to renew slavery agitation.[80] Well knowing the detrimental effect upon the life of the new Whig organization in North Carolina as well as the danger to the national situation should the issue be squarely joined on sectional lines, Gilmer refused to yield his strategic position and withdraw his amendment at the instance of the Democrats. There was also a probability of inducing the Democrats, in the event of failure of their own plan, to vote for an American for speaker, and thus at least to secure the position to a conservative rather than to a Republican. This was the tendency, and Mr. Gilmer himself received an increasing

[79] Congressional Globe, 1st sess., 36th Cong., p. 3.
[80] Cong. Globe, 1st sess., 36th Cong., p. 18.

number of votes until the thirty-sixth ballot.[81] The failure of the Democrats to concentrate on him was due mainly to personal opposition made by the four Democrats from North Carolina, as the selection of Gilmer as speaker would greatly increase the strength of his party at home. A bitter fight had been made by the state Democracy against his reëlection to Congress. He was the most uncompromising of the party's opponents in the state, and in addition had voted in Congress against the admission of Kansas under the Lecompton Constitution. The North Carolina Democratic Representatives were now in a position to retaliate. Warren Winslow of the third district was chairman of the congressional committee of five appointed by a Democratic caucus to manage affairs for the party until the House should be organized. In this position of power and influence Winslow, an intense southern rights advocate and withal a shrewd politician, set himself in opposition to Gilmer's candidacy for the speakership and refused him Democratic support. Gilmer did not withdraw, however, and his party refused to support a Democrat, whereupon a second North Carolina Whig, W. N. H. Smith, was fixed upon. Smith, less aggressive in state politics and more amenable to Democratic influence than Gilmer, received the support of Winslow and the Democratic party. On the thirty-ninth ballot 112 votes were cast for Smith to 106 for Sherman, bringing the former within three votes of election.[82] To prevent the election of a southern man Sherman now withdrew, and William Pennington, a moderate Republican who had not endorsed Helper's book, was substituted. Pennington received the votes of the northern Americans in addition to the Republicans and was elected on the forty-fourth ballot over McClernand, Democrat, who could not command the votes of the southern Americans. These had gone back to Gilmer, who received sixteen votes on the last ballot.

[81] Cong. Globe, 1st sess., 36th Cong., p. 219.
[82] Ibid., p. 611.

Organization of the House was thus effected on the last of February, 1860, two months after the meeting of Congress. The long drawn out contest was attended by an intensification of bitterness between the North and South scarcely before paralleled. The strain was increased by the insistence of the South in the Senate upon an investigation of the Harper's Ferry affair. Many southern Senators believed the responsibility for John Brown's action to rest with prominent men of the North or with abolition societies encouraged by them. The criminations and recriminations in the halls of Congress found an echo in the growing excitement and embitterment among the people.

Though quietude in the field of national politics had seemed the only condition under which the Whig party in North Carolina could develop, yet an issue had arisen in the local field which seemed to assure it a less treacherous foundation. In October, 1859, a society was organized at Raleigh known as The Workingmen's Association. This organization, fully equipped with officers and machinery, immediately showed its intention of organizing all mechanics and workingmen throughout the state. Its object, as set forth in published resolutions,[83] was a reform of the state's laws for raising its revenue. These laws, the workingmen averred, were not framed in accordance with the principles of justice and equality; they discriminated against the non-slave-holder and operated most heavily upon those who were least able to bear the burdens of the state. The third resolution read: "That it becomes the mechanics and workingmen of North Carolina, while respecting the rights and interests of others, to look also to their own rights and interests, and to insist upon that political equality and that participation in public affairs to which they as free men are entitled." Apparently the political motive was not to lag behind the economic motive. An address to the people of the state, signed by the society,[84] appeared December 14,

[83] Resolutions of the Workingmen's Association, Standard, Oct. 26, 1859.
[84] Standard, Dec. 14, 1859.

in which the economic motive was stressed. The workingmen's first demand was an equalization of taxation so that slave property might be compelled to pay its equal portion of the public expense.

The North Carolina constitution, as remodeled in 1835, provided that slaves between the ages of twelve and fifty years should be subject only to a poll tax equal to that paid by white men, and those under twelve and over fifty should be exempt from taxation altogether. The Workingmen's Society put forth statistics to show that 187,842 slaves, worth in the market $112,568,800, went entirely untaxed, while those subject to taxation as between the age limits—159,925 in number and valued at $139,000,000—paid into the state treasury only $75,462, or .50 each, the amount of the poll tax. $31,000,000 of money loaned would pay, under the law, $76,000 in taxes, or more than was paid by owners of slave property valued at $250,000,000. Thus the discrimination in favor of slave property was in a sevenfold ratio. $1,000 worth of land paid a tax of $1.50. A negro worth $1,000 or even $1,500 yielded only .50 to the state treasury, while $1,000 invested in manufactures paid $10. The statistics offered were trustworthy, having been made up from the census and the comptroller's and treasurer's reports.

For the correction of these inequalities the Workingmen's Association purposed to secure a constitutional amendment whereby slaves could be taxed *ad valorem*. To create sentiment for the measure and to distribute facts local associations were to be organized in each county. The movement awakened the strongest opposition from the slaveholders. If successful it would enormously increase their taxes. Moreover, it promised to create an agitation over slavery which would array class against class and west against east at a time when slavery needed all the protection possible on account of the threatening aspect of national affairs.

The real danger to the slave-holder lay in the evident tendency of the non-slave-holding west to unite with the non-slave-holding classes of the east, in which event the slave-holders would be in a hopeless minority.[85] Though "ad valorem" commanded the support of a few influential slave-holders,[86] the fight was essentially one between slave-holders and non-slave-holders, between slave labor and free labor, both for economic and political supremacy. Could the national crisis have been delayed until the contest had reached its climax an interesting chapter would have been made in North Carolina history. The national crisis, however, now close at hand, soon served as a welding hammer upon the opposing forces. When the curtain was again lifted the problem had disappeared — slavery no longer existed.

The Whig state convention met in February, 1860, to nominate a candidate for governor, and promptly made *ad valorem* taxation a plank in its platform.[87] The Workingmen's Association ceased its efforts to organize county associations and entrusted its cause to the Whig party. John Pool, an intense partisan and a strong debater, became the candidate.[88]

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[85] In North Carolina at this date there were nearly three hundred thousand slaves, and the number of slave-holders out of the six hundred thousand white population was between thirty and forty thousand. See estimate of Standard, Dec. 29, 1859. This estimate was based on the census of 1850.

[86] Moses A. Bledsoe, a Democrat and the owner of about 40 slaves, had first offered the *ad valorem* bill in the house of commons in 1856, but it met with no favor from his party and was never prominent as an issue until 1859–1860. Mr. Bledsoe continued its support when adopted by the Workingmen and later by the Whig party, and was ruled out of the Democratic ranks. He is still living in Raleigh at a green old age and recalls all the details of this controversy with remarkable clearness. Realizing that *ad valorem* taxation would touch his own pocket in common with all other slave-holders, he supported the measure because he felt it was a just one and would in the end strengthen the state.

[87] Whig Convention Proceedings, Raleigh Register, Feb. 29, 1860.

[88] It is interesting to note that the tendency in all North Carolina state elections was for the Whigs, who were strongest in the west, to take their candidate from the east for the purpose of strengthening their party in that section. In like manner the Democrats, who

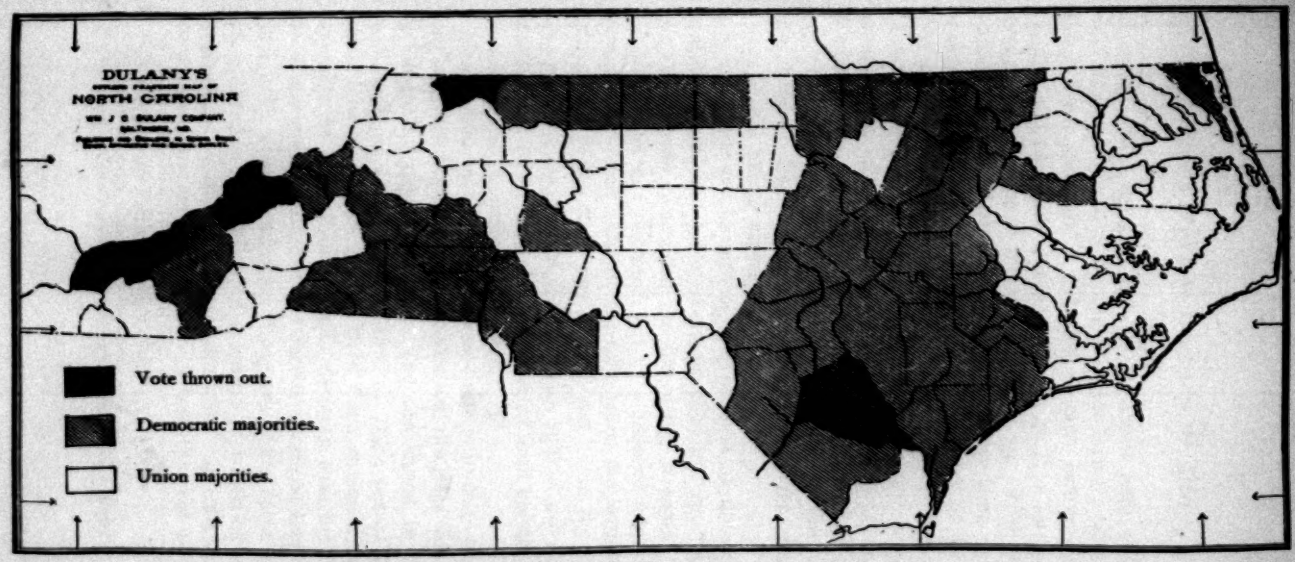
The Democrats held their convention in March, renominated Governor Ellis, and declared against any attempt to disturb the existing method of raising the revenue as "premature, impolitic, dangerous, and unjust."[89] As evidenced by a strong state rights plank, the party hoped to turn public attention from the state issue and fix it upon the dangers to be apprehended by the South from northern encroachments upon slavery. Their defeat in August, they claimed, would aid in their defeat in the November presidential election and mean a weakening of the southern attitude. The Whig state convention had ridiculed the idea of secession in the event of Democratic defeat in November. The Democrats now declared such a course a strong possibility, and urged unity.

The two candidates arranged a joint debate and began a vigorous campaign. Governor Ellis, as much as possible, kept the discussion in the field of national politics, while his opponent insisted upon directing attention to the taxation of slaves. The people refused to be alarmed as to the national situation, whereupon Governor Ellis finally turned to state issues and adroitly threw his opponent upon the defensive by calling attention to the fact that, while the Whig platform demanded an equalization of taxation on all forms of property, it made no provision for exemption. He assumed the object was to tax ovens, pots, pans, tin cups, chickens, and eggs as well as slaves. Despite the efforts of his opponent, the campaign assumed the character of a pot, pan, and tin cup issue. This was no small factor in the result; men everywhere are opposed to taxation in detail, and the mere discussion of such a proposition alarms a certain class of voters.

The serious Democratic argument against *ad valorem* taxation of slaves was embraced in the claim of the eastern slave-holder that he should not be taxed ten dollars on the

were all powerful in the middle east usually, chose a candidate from the west. Thus in this campaign Pool was from the east and Ellis from the west.

[89] Democratic Platform. Standard, March 10, 1860.



PRESIDENTIAL ELECTION, 1860.

Breckenridge, Dem., 48,539. Bell, Union, 44,990. Douglas, 2,701.

thousand dollar value of each of the slaves with which he cultivated his fields, while the western farmer, using free labor, went untaxed.[90] Yet the western farmer fed his laborer and paid him wages, while the eastern farmer was only at the expense of the keep of the slave. With the tax added, the cost of slave labor was thus far from equal to that of free labor unless the original cost-price of the slave was considered, and this was only fair. However, could slave property have been brought under its fair burden of taxation, the effect would have been to remove the taint of discrimination and to give every citizen, whether slaveholder or not, an interest in the protection of the institution. North Carolina stood alone among the southern states in not taxing slaves as property.

The Democracy, occupying the position of defender of southern rights and led by the aggressive governor, was in the end able to overmatch the increasing strength of the Whigs. Ellis was reëlected, but by a reduced majority of over ten thousand votes at the time when the largest vote ever polled in the state was brought out.[91] In the victory was read the decision of the majority against *ad valorem* taxation and its incident slavery agitation until quieter times on that subject in national politics.

Closer examination of the Democratic attitude to national politics preceding the August election discloses the chief factor in the party's success. The convention in March reaffirmed the Cincinnati platform of 1856, passed strong resolutions in support of the Dred Scott decision, and, in reference to John Brown's raid, declared that the Union could not longer endure under further encroachments upon slavery.[92] After nomination Governor Ellis came before the convention and delivered a speech in which he took a prophetic view of the national situation. In reference to the approaching national election he held that the existence

[90] Cf. Greensboro Patriot, April 6, 1860.
[91] Election Returns, official. Standard, Aug. 29, 1860.
[92] Democratic Convention Proceedings. Standard, March 10.

of slavery, not in the territories but in the South itself, was at stake. "The abolition of slavery here at home," he said, "is the design of our opponents. This is the band that cements all the anti-slavery elements in one solid column against us."[98] Although the people showed no disposition to take so alarming a view of the situation, nevertheless they preferred a governor who was on the defensive. Although earnestly desiring a respite from sectional strife, they were yet unwilling to lower their defenses while the enemy threatened.

The main features of the presidential contest of 1860 were as follows: The convention of the national Democratic party met at Charleston, April 23. It was a foregone conclusion that it would be difficult to secure harmony between the northern and southern factions of the party as to the powers and duties of Congress in regard to territorial slavery. Douglas and the northern Democracy would stand or fall with popular sovereignty. In the view of the southern Democracy the Dred Scott decision covered the whole ground. Two reports were brought in by the committee on platform. The majority report, securing in the committee the adherence of only three states more than the minority report, embodied the demands of the South on the subject of slavery. It declared that the federal government was bound to protect slaves, as legally existing property, in every territory until the same became a state. The minority report, presented by a majority of northern delegates on the committee, proposed to abide by the action of the Supreme Court in all slavery cases coming up from the territories. The northern delegates declared that if crippled by an obligation of congressional protection and a distinct repudiation of popular sovereignty they would be unable to maintain themselves in the campaign at home. On the other hand, the delegates of the cotton states declared that if the declaration of the convention in regard to slavery were not une-

[98] Pamphlets, 1860–1861, pp. 4–20. Gov. Ellis' speech before the Democratic Convention at Raleigh.

quivocally for protection they would retire from the convention. The true proportional voting strength of the South being over-represented in the committee, when the reports were finally voted on the northern delegates, with the aid of some border-state conservatives, secured the adoption of the minority report. Whereupon the delegates of all the cotton states, led by Wm. L. Yancey of Alabama, withdrew from the convention. After all prospect of a nomination had disappeared the remaining delegates adjourned to meet again at Baltimore, June 18. Another bolt by the southern delegates occurred at Baltimore. Douglas was nominated by the remaining or northern section of the party, while the new bolters retired to Richmond, where they met the original bolters from Charleston and nominated John C. Breckenridge.

Meanwhile, on May 18, the Republican convention met at Chicago and nominated Abraham Lincoln upon a platform which declared that slavery did not exist in the territories; that Congress had no power to legalize it there, and that the union of the states must and should be preserved. The Whig party, now called the Union party, met at Baltimore, May 9, and nominated John Bell of Tennessee on a platform containing nothing besides the Constitution.

North Carolina held the chairmanship of the platform committee in the Charleston convention,[94] and her delegates, though seeking to compose the differences between the northern and lower southern factions of the party, voted for the majority report. When the bolt occurred, however, the North Carolina delegation remained in the convention and continued to ballot for a nominee until adjournment.[95] When the second bolt occurred at Baltimore her delegates,

[94] The chairman was W. W. Avery, a member of the radical faction in North Carolina politics.

[95] W. W. Holden, delegate for the state at large, wrote from Charleston: "For our part, we have no hesitancy in saying that we will not go with South Carolina or Wm. L. Yancey and his followers in their attempt to dissolve the Union. Nor do we by any means despair of the Republic. We still have confidence in the National Democratic party." Raleigh Register, May 9, 1860.

with one exception,[96] came to Richmond and cast their votes for Breckenridge.

After the series of conventions of the Democratic party had finally ended in its definite split into sectional factions with two candidates in the field, the chances for party success seemed small. Yet, hoping against hope, the party in North Carolina prepared for the contest of ballots. Mr. Holden proposed that Breckenridge electors be supported on condition that they should vote for the strongest man—Breckenridge or Douglas—against Lincoln, and that if the state's vote would elect neither, then the electors should vote as they pleased.[97] The proposition met no united opposition, and though the matter was not definitely determined before the date of the election a united effort was made, on this understanding, to suppress the Douglas electoral ticket.

Douglas Democrats were numerous in the summer,[98] but were met with the argument that two electoral tickets would not benefit their candidate and might throw the state to Bell and the Whigs. The electors, however, were not taken down, though the vigor with which the Democratic press set to work to weed out Douglas voters was not without the reward of success, even though it is difficult to determine whether a majority of these entered the Union or the Democratic party.

Naturally, Lincoln was not a factor in the election in North Carolina, except in so far as the fear of his election influenced the decision of those who were undecided whether to support Breckenridge or Bell. The decision was to be between these two, and the determining factor was the voter's judgment as to which would the better conserve southern interests by defeating Lincoln. A vote cast for Bell would not only be cast in the interest of conservatism and quiet in national parties but would go further to strengthen and reinvigorate the rapidly growing state Whig

[96] Robert P. Dick remained at Baltimore until adjournment, though he did not assist in Douglas' nomination.
[97] Standard, Aug. 15, 1860.
[98] Standard, Aug. 22, 1860.

party. On the other hand, since it was generally understood that Breckenridge's chances of election, though small, were better than those of Bell,[99] a vote cast for the latter would weaken the chances of a victory over the Republicans and so bring the country to the verge of dissolution, or even possibly effect dissolution. Undoubtedly the fear of radical action by the lower South in the event of Democratic defeat led many North Carolinians to support Breckenridge in the hope of removing the cause for such action.[100]

The state Democracy, however, did not go so far as to make dissolution of the Union contingent upon Breckenridge's defeat. Such a proposition, advanced early in October by a radical newspaper,[101] was emphasized by only a few Democratic speakers and apparently only for the purpose of winning votes through the fears it would arouse. The answer to the suggestion was an immense mass-meeting held at Salisbury in the middle of October. Many Democrats as well as the Whigs attended the two days' session.[102] The leading unionists made speeches in regular program. Graham, Badger, W. N. H. Smith, and Vance were eagerly listened to by great crowds assembled around outdoor platforms. Vance spoke for two hours during the evening of the first day amid a cold drizzling rain, and though his audience contained hundreds of ladies no one left the assemblage until he had finished.[103] "But one sentiment prevailed," said the reporter, "and that was, we will fight for the Constitution, the Union, and the laws, *within* the Union and the laws. We will not be influenced by seceders in the South or Black Republicans in the North, and we will never give up our institutions until stern necessity compels us to believe that they, being no longer adequate to our protection, we must resort to that right of revolution which is

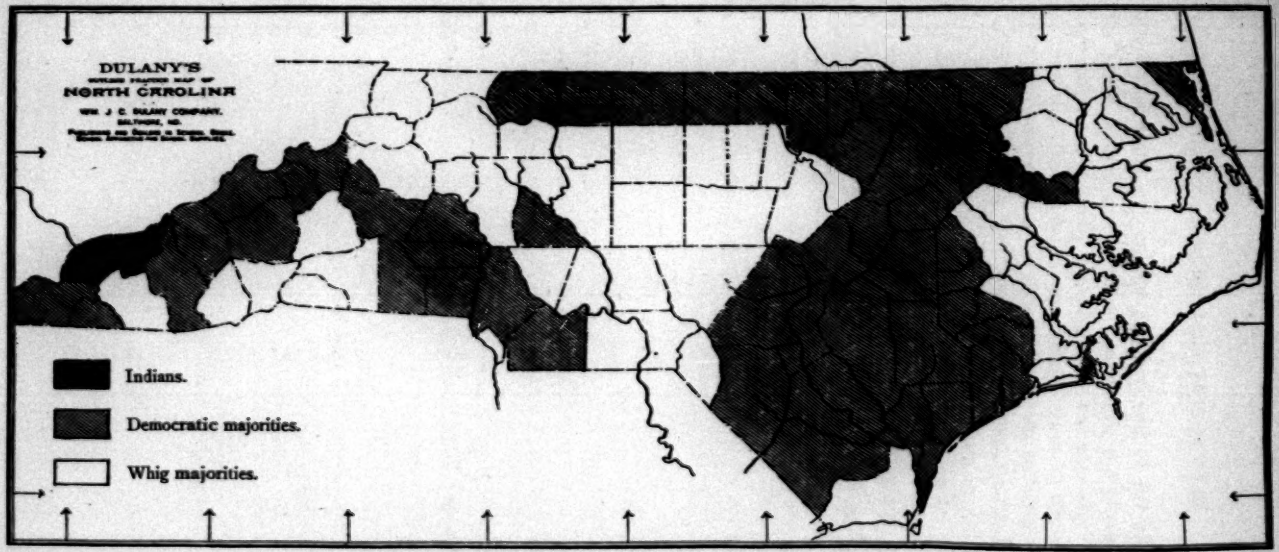
[99] Standard, Sept. 11, 1860.
[100] Cf. Fayetteville Observer, editorial, Nov. 13, 1860.
[101] Wilmington Daily Journal.
[102] For an account of this meeting see Raleigh Register, Oct. 17, 1860.
[103] Raleigh Register, Oct. 17, 1860.

inherent in every people."[104] This program, announced in the Salisbury meeting, was the unionists' defiance, given in advance to those of the Democratic party who might entertain the idea that the state would follow the Hotspurs of the cotton states in an attempt to break up the Union.

The popular vote in November was: Douglas, 2401; Breckenridge, 48,539; Bell, 44,990. Thus Breckenridge received an absolute majority of 848 votes. While the votes cast for Bell and Douglas may be classed distinctly as Union votes, those cast for Breckenridge may also to a very large extent be so considered. The vote plotted by counties shows strongly a tendency of reversion to the old party divisions. The plot is almost exactly similar in detail to the gubernatorial vote in August, and both bear a close resemblance to Whig and Democratic divisions previous to 1850. The group of counties clustering about Albemarle and Pamlico Sounds and covering the eastern end of the state from north to south gave Whig majorities as in former tacit compacts with the non-slave-holding west. The west gave Bell majorities except where the alignment had now become permanently broken through special influences. The middle east, the east of the slave-holding Democracy, was almost solidly arrayed for Breckenridge. Besides controlling this section across the broadest portion of the state, the Democrats now held fast the tier of tobacco-producing counties along the Virginia border and the group of cotton-producing counties of the west which bordered on South Carolina. Both these groups were western according to the ancient division, and had been wrested from the Whigs only since 1850.

North Carolinians of all parties were together under a common defeat. Yet a calm acceptance of the result and acquiescence in the national decision seemed widespread, as evinced in the press.[105] The situation after the election possessed no feature unusual to a presidential contest be-

[104] Comptroller's Report to the Governor, Ellis, Letter-book, p. 311.
[105] Standard, Nov. 7, 1860, Raleigh Register, Nov. 14, 1860.



GUBERNATORIAL ELECTION, 1860.

Ellis, Democrat, 59,443. Pool, Whig, 53,219.

yond a strained expectancy and a dread of the effects of the result in less conservative quarters of the Union. The conviction undoubtedly prevailed that the necessity for preserving the Union overbalanced the evils to be apprehended from the powers of a president elected on sectional lines.[108] They must defend their institutions from encroachments; but, at the same time, they felt they must not injure a cause capable of the best defences, and admitted to be peril, by taking counsel of passion rather than of wisdom. They preferred to await the action of the new president, and to make resistance to acts only if these should demand it.

[108] Cf. Letter of Wm. A. Graham, Standard, Nov. 14, 1860.

CHAPTER V.

Secession.

The theory of the Constitution of the United States as a federal compact between sovereign states has, at different times and under stress of different circumstances, held sway over the minds of large masses of the American people. The first noteworthy expression of this theory was in the Virginia and Kentucky Resolutions of 1798 and 1799, passed as remonstrances against the Alien and Sedition Acts. Its second and more serious expression was the Hartford Convention held by several of the New England states in 1814 for the purpose of redressing their grievances arising out of the war of 1812. The southern states learned early the necessity of a strict construction of the Constitution, both for economic and institutional protection. Strict construction naturally allied itself with the compact theory, from which secession follows as a constitutional right. The state rights doctrine, passing through several stages of development, appeared in its most forceful and consistent form in 1861.

Though the right of secession was exercised in 1861 by most of the southern states for the protection of slavery, the interests of the border-states and of the cotton states were neither identical with respect to slavery nor equally strong in demanding secession. With regard to the slave-holding interest there were divergencies in the border-states themselves. Virginia, North Carolina, Kentucky, and Tennessee each, though slave-holding in its larger and more fertile sections, contained large mountainous areas in which slave labor as a system had never taken root and probably never would have taken root. This mountain country, with its homogeneous population, all lay contig-

uous, making up the western portions of Virginia and North Carolina and the eastern portions of Kentucky and Tennessee. This section, only indirectly influenced by slavery, never developed the particularistic method of constitutional interpretation common to the slave-holding sections of these four states and to the lower South.

In North Carolina the western non-slave-holding section was the basis of the Whig party. As already pointed out, the party gathered to its support not only adherents in the east who were not dependent upon the slave interest but others also from the ranks of the slave-holders sufficient to make it the dominant party in the state for the fifteen years between 1835 and 1850 when slavery agitation was in abeyance. Driven from power by the agitation over the compromise measures of 1850, the party disappeared in name with its national prototype. In the poorly fitting dress of Know Nothingism the Whig spirit lived on through the decade, and was ready in 1860 to oppose itself to the particularistic tendencies of the Democratic party.

By the eighth of November, 1860, it was definitely known throughout the country that Mr. Lincoln had been elected president. As evinced by the press[1] a spirit of acceptance of this result and acquiescence in it seemed widespread in North Carolina. The appellation "submissionist," applied in some Democratic quarters,[2] had no power of arousing resentment in any large mass of the people. William W. Holden hastened to announce a policy for the Democratic party, though there was much evidence that Governor Ellis' faction would not long tolerate his dictation.[3] "Let us watch and wait," he said; "North Carolina will never permit Mr. Lincoln or his party to touch the institution of slavery. Her people are a unit on this point. They may not advise or approve secession, but they will not submit to

[1] Raleigh Register, Nov. 14, 1860, Greensboro Patriot, Nov. 15, 1860, Carolina Watchman, Nov. 12, 1860, Fayetteville Observer, Nov. 12, 1860, Standard, Nov. 14, 1860.
[2] Wilmington Daily Journal, Nov. 12, 1860.
[3] Ibid., Nov. 15, 1860, Nov. 16, 1860.

indignities or encroachments."[4] Business men were advised to stand firm and be prepared to resist the threatened panic. Economy was insisted upon. The people were especially warned against a panic in the slave-market,[5] as this kind of property was declared to be in no danger whatever.

The idea of secession had become familiar in North Carolina during the agitations over slavery in the past decade, though it was still held by the majority as an evil affecting their southern neighbors rather than themselves.[6] But now since an accurate observation of the politics of South Carolina had, after the election, brought secession as an issue closer, the two theories as to the nature of the United States government were drawn out in sharper contrast than had ever before occurred. William A. Graham and George E. Badger, the most prominent representatives of the old Whig sentiment of the state, had always held to the national theory of the Constitution, and in consequence to revolution as the only means for redress of grievances. Mr. Graham now said: "A state cannot secede, and the necessity for revolution does not yet exist. The revolution (for by whatever name it be called, this is its effect) should have been made earlier, or must be postponed later. . . . Who can prepare a declaration of independence, appealing to a candid world for its approbation and sympathy, upon the ground that we have been outvoted in an election in which we took the chances of success, and a candidate has been elected who, however obnoxious, we have not deemed unworthy to compete with us for our votes."[7] Mr. Graham's position was that of a national rather than a sectional statesman, and though his views were out of harmony with the tendencies of the South as a whole, they commanded the support of a very large portion of the people of his own state. The old Whig press emphasized the same view and

[4] Standard, Nov. 10, 1860.
[5] Ibid., Nov. 10, 1860. Fayetteville Observer, Dec. 3, 1860.
[6] Standard, Nov. 14, 1860. Letter from Mr. Graham.
[7] Standard, Nov. 15, 1860. Letter from Mr. Graham.

invited argument in refutation.[8] The Democrats seemed to be awaiting the meeting of the legislature and some authoritative expression from Governor Ellis before taking a decided course.

The North Carolina General Assembly, elected in August, met in regular session on November 19, 1860. The senate was composed of thirty-two Democrats and eighteen Whigs, a gain by the Whigs of one over their number in the last senate. In the house of commons were sixty-five Democrats and fifty-five Whigs,[9] a gain of eight for the latter. Organization was effected by the election of eastern Democrats as president of the senate and speaker of the house respectively. Henry T. Clarke, in assuming his office as president of the senate, made a conservative address in which he pointed out the seriousness of the political situation and the necessity of caution and honesty in interpreting the will of the people.[10] The legislators seemed fully conscious of the importance of the session. The next day Governor Ellis sent in his message.[11] He made four distinct recommendations upon the subject of federal relations: (1) A conference of the southern states; (2) a convention of the people; (3) the arming and equipping of the state; (4) resistance to federal coercion. The plan of the governor as set forth in the document was that the Assembly should dispatch delegates at once to a southern conference and issue at the same time a call for a state convention to meet

[8] "A state cannot secede. It may be asked: What is a state to do in the event of Congress passing laws oppressive and intolerable to her citizens? We answer at once that she must resort to revolution. The right of revolution is one inherent in every people, in every form of government; but at the same time it is a right to which no people will resort unless the grievances to be redressed are more burdensome and intolerable than would be those which would flow from a revolution." Greensboro Patriot, Nov. 15, 1860.

[9] The popular branch of the North Carolina General Assembly was called the house of commons until the Constitutional Convention of 1868.

[10] Report of H. T. Clarke's Speech to the Senate, Raleigh Register, Nov. 21, 1860.

[11] A full report of the governor's message may be found in all state papers of the day. See Raleigh Register, Nov. 28, 1860.

after the conference had done its work. The convention was designed to pass upon the work of the conference. The message had a ring of activity and radicalism that secured for its recommendations only tardy support. Two factions at once clearly defined themselves among the Democratic members. One faction, known as the conservatives, opposed the proposition for a convention as premature and as unwarranted by existing conditions; they were willing, however, that delegates should be sent to a southern conference. The other faction, known as the radicals, supported the whole of the governor's plan. The Whigs opposed both the conference and the convention. Resolutions and counter-resolutions were offered as to the attitude the state should take, and a test vote was had in the lower house on the nature of the federal government. D. D. Ferebee, an eastern Whig, offered a resolution embodying the national theory and declaring that there could be no such thing as secession without revolution.[12] Only the Whigs voted for it, the conservatives casting their votes with the radicals; this resulted in fifty-four to fifty-eight against the motion to print the resolution and refer it to the federal relations committee. The state compact theory, entailing the right of a state to resume her sovereignty at will, was immediately offered by a radical Democrat. A western conservative moved an amendment in which the results of the election were deplored, but which affirmed the sense of the Assembly to be that the rights of the people of the state should be observed and enforced in the Union under the

[12] Senate and House Journals, 1860–1861, 47. The resolution declared: "The Constitution of the United States is not a league, confederacy or a compact between the several states in their sovereign capacities, but a government proper founded on the adoption of the people and creating direct relations between itself and individuals; that no state authority has power to dissolve them but by revolution, and that consequently there can be no such thing as secession without revolution; that it is the duty of North Carolina under all circumstances, and at all hazards to protect, maintain and defend in the Union, all her rights under the Constitution; that the election of Lincoln is not a sufficient cause for a dissolution of the Union."

Constitution, at all hazards and regardless of consequences. The resolution with the amendment was accepted by a yea and nay vote of sixty-one to fifty-three,[13] which accurately registered the numerical strength of the two opposing theories in this branch of the Assembly. The amendment, declaring the absence of sufficient cause for action, secured for the resolution the votes of the conservative Democrats, who, while believing in the right of secession, opposed its exercise.

The temper of the Assembly was undoubtedly pacific, though the situation held possibilities which gave the Whigs much uneasiness.[14] Should national affairs take such a course as to unite the two factions of the state Democracy, the Whigs would be in a clear minority. On December 6 a memorial of radical character was presented from the Southern Rights Association of McDowell County. By design this memorial was from the western portion of the state and was presented by a western Democrat. It was used by the radicals to give color to their claim that the stand for the state rights doctrine was not purely that of eastern slave-holders.[15] The smouldering fires of eastern and western sectionalism were so far from being dead that a new state rights paper tactfully declared in its second issue that it would eschew all sectional consideration and work for the entire state and her common interests.[16]

A joint committee on federal relations brought in a majority and a minority report to the two houses, December 12. The majority report advised the call of a state convention and the dispatch of delegates to the other southern

[13] Senate and House Journals, 1860–1861, 48.

[14] Jonathan Worth, a Whig member from the Quaker district, wrote to a constituent early in December that the majority of the Democrats were for the preservation of the Union, but that they would sooner or later go with the radical leaders; that to his mind the Assembly was, beyond doubt, the most unpatriotic body that had assembled in North Carolina since the Revolution. This letter, written to J. J. Jackson, is in the possession of Mrs. Moffit, Raleigh, N. C.

[15] State Journal, Dec. 12, 1860.

[16] Ibid., Dec. 5, 1860.

states with a view to securing united action.[17] The minority opposed both these proposals on the ground of insufficient cause, and recommended moderation.[18] The Whigs and conservative Democrats acted together in support of the minority. In lieu of the adoption of either report, discussion and amendment continued until adjournment for the Christmas recess, December 22, two days after the secession of South Carolina. Whether the convention would be called seemed to be in doubt. A majority of the legislators showed no disposition to run ahead of the wishes of the people.

The division which defined itself among the Democrats in the General Assembly on the reception of the governor's message had rapidly taken form throughout the state. Mr. Holden, who had formerly divided honors with the governor in the leadership of the party, now set himself in the forefront of the conservatives, and with his accustomed editorial energy and ability began the fight in the columns of the *Standard* against state rights as interpreted by Governor Ellis and the radicals. Only one other prominent Democratic leader, ex-Senator Bedford Brown, now a member of the General Assembly, stood with Mr. Holden. Nevertheless, the conservative Democrats held the balance of power between the Whigs and the radicals, and Mr. Holden received the support of both Whigs and conservatives.

Mr. Holden charged the governor with the purpose of dissolving the Union out of hand at the instance of the William L. Yancey school of southern politicians and in defiance of the will of the people.[19] The radicals replied by reading him out of their party ranks and repudiating the services of his paper, a procedure to which he made no objection and one from which he derived benefit for his claim that his proscription was due to his support of the constitutional Union. Enjoying now a freedom of action

[17] Senate and House Journals, Dec. 12, 1860.
[18] Ibid., Dec. 12, 1860.
[19] Standard, Nov. 28, 1860.

the exercise of which had hitherto constantly created dissensions among his former party associates, Mr. Holden attacked the radicals as enemies to the state and nation. His opposition was heavily felt by his opponents. A new state rights party organ was set up whose first months of existence were devoted almost wholly to the defense of the governor and the radicals against the onslaughts of Mr. Holden.[20] Many saw in the situation the working out of class intolerance on the part of the radicals. Mr. Holden had never been a slave-holder and was in no way, except politically, identified with the slave-holding régime.[21]

The first distinctively secessionist meeting held in North Carolina was a town meeting held in Wilmington Court House November 19, 1860, the date upon which the General Assembly met in Raleigh. Resolutions passed by it, despairing of the Union, demanded a state convention and advised the reassumption of the state's sovereignty. A corps of militia was unanimously voted and preparation made to arm and equip it.[22] A number of eastern and a few western counties,[23] following the example of Wilmington, held similar meetings in the last days of November and in December. The disunion party leaders in these meetings claimed generally that Mr. Breckenridge had been the disunion candidate and that secession was contingent upon his defeat. The conservative Democrats, who, with the

[20] Cf. State Journal, Nov. 28, 1860, Dec. 5, 1860, Dec. 12, 1860, et seq.

[21] The Whigs held that the relation of W. W. Holden to the radical Democrats illustrated the proscriptive, intolerant, and aristocratic character of that party; that the editor aspired to an office of distinction in the party and the party manifested its democracy by requesting him to leave it; that the offices and honors in the party which he had done more than any other man, or ten men, to build up and make powerful were not for a mechanic. Fayetteville Observer, Dec. 3, 1860. This was in reference to Mr. Holden's humble origin and his ambition for the governorship in 1858 and senatorship immediately afterwards.

[22] Wilmington Daily Journal, Nov. 20, 1860.

[23] State Jour. Extra, Dec. 19, 1860, is given over entirely to reports of these disunion meetings. The four western counties which held meetings of this type thus early were Mecklenburg, Gaston, Lincoln and Rowan, all cotton counties.

Whigs, were beginning to be called constitutional unionists, declared that no such thing was understood; that if Mr. Breckenridge was the disunion candidate, then at least forty thousand voters in the state had been deceived; and further, that if Mr. Breckenridge's uttered views had approached in radicalism the sentiments contained in Governor Ellis' message, then he would have received in North Carolina not even the united support of the present fire-eaters.[24] Though the state gave Mr. Breckenridge an absolute majority of her votes, the fact that now a very large section of the Democrats who voted for him were constitutional unionists sufficiently refuted the argument that he had been accepted by the party as the disunion candidate. Since also the Whigs were a unit in their opposition to secession, the radical Democrats, in the last months of 1860, were a small, though a very active, minority. The radical leaders were thoroughly aggressive and acted along lines definitely mapped out. Thomas L. Clingman had announced on the floor of the United States Senate that the South must not wait for overt acts upon the part of the new administration.[25] Governor Ellis was the exponent of this view in North Carolina state politics, though he had not found the temper of the legislature to his liking. Yet it was easily discernible that external events would be the allies of the radicals. That South Carolina would secede before the end of the year was generally understood. Her convention had been called to meet on December 17; both her Senators had resigned in November, and her federal district court had ceased its functions. Governor Gist forwarded to Governor Ellis the resolution of his legislature setting aside the twenty-first of December as a day of fasting and prayer, and invited North Carolina to similar action.[26] The radicals asserted that secession was only a matter of time and that the present opportunity must not be lost.[27]

[24] Standard, Dec. 5, 1860.
[25] Congressional Globe, 2d sess., 36th Congress, 4.
[26] Ellis, MS. Letter-book, 279.
[27] Wilmington Daily Journal, Dec. 5, 1860.

The unionists were not inactive, though they had a less clearly defined policy than the radicals. A constitutional union meeting was held in Raleigh November 30, and was largely attended by old line Whigs, by Know Nothings, and by conservative Democrats. W. W. Holden presented the resolution deprecating disunion, and Zebulon B. Vance made the chief address. Admitting the right of secession,[28] Mr. Vance urged the impossibility of good resulting from it and insisted upon a strong stand within the Union. He believed that the obnoxious personal liberty laws of the northern states would be repealed if southern legislatures enacted retaliatory measures touching their trade with the South.[29] County union meetings were held throughout the state during December, all expressing a determination to remain in the Union.

On the fourteenth of December twenty-eight southern Senators and Representatives issued from Washington an address to their constituents in which they expressed the belief that all hope of relief in the Union, through committees, congressional legislation, or constitutional amendment, was extinguished, and declared that the welfare of the southern people required the organization of a southern confederacy, a result to be attained only through separate secession of the states. Two Representatives from North Carolina signed the address,—Burton Craige of the seventh and Thomas Ruffin of the second congressional district. It was understood that Senator Clingman and Representative Winslow were also in accord with the views of the address from Washington.[30]

Although not likely to wait upon their encouragement, yet it now became important to the lower southern states to ascertain the disposition of their northern neighbors toward

[28] Vance was the only Whig of state prominence at this date who admitted secession to be a constitutional means to secure a redress of grievances.

[29] Raleigh Register, Dec. 5, 1860, has a full report of Vance's speech.

[30] Standard, Dec., 1860.

secession. Accordingly, delegations were sent to the border slave states. North Carolina, on December 18, received two commissioners from Alabama, the object of whose mission, as communicated by Governor Ellis to the General Assembly, was an interchange of opinions on federal relations.[31] A more important commissioner was Jacob Thompson, sent by Mississippi. Though still a member of President Buchanan's cabinet, Mr. Thompson came to North Carolina with the avowed object of using his influence toward inducing the state to secede,[32] a mission for which he was supposed to be better fitted because he was a native and former resident of the state and had many warm personal friends among the leaders. His letter of credence expressed the hope of Mississippi that North Carolina would coöperate with her in the adoption of official measures for the common defence and safety of the South. There were no visible results of the mission; but Secretary Thompson must have gathered sufficient information to convince him that the state would make no move unless her position in the Union became untenable.

When South Carolina seceded, December 20, the excitement attending the first break of the Union was naturally communicated to her northern neighbor. In Wilmington one hundred guns were fired in honor of the event. Wilmington was the chief town of the eastern slave-holders. Its economic organization and geographical situation alike allied it in interests and sympathy with the cotton states. As the largest town and chief cotton port of North Carolina, it was in close touch with Charleston, Savannah, Mobile, and New Orleans and reflected a similar public sentiment. Only in Wilmington was there any noteworthy demonstration of joy at South Carolina's action. The unionists and

[31] Ellis, Letter-book, 294.

[32] Writings and Speeches of the Hon. T. L. Clingman, 526. Clingman states that Secretary Thompson told him in the middle of December that the object of his visit was to induce North Carolina to secede. Cf. Von Holst, Constitutional History of the United States, 1859–1861, 367. State Journal, Dec. 26, 1860, has a copy of this letter.

conservatives, a large majority at this date, greeted it as a sad event, pregnant with many evils and blasting many fair hopes of greatness and glory in the western world.[83] As yet North Carolina stood firmly to the bond she had contracted in 1789. Mr. Holden's often reiterated plea, "Let us prepare for any event, but watch and wait," accurately expressed the will of the conservative Democrats who, believing in the right of secession but looking to it only as a last recourse, firmly held the balance of power between the nationalists[84] and the radicals.

South Carolina's withdrawal from the Union increased the vigor of the demands on the part of the radicals for a state convention to express the will of the state under the new aspect of affairs. Secession, they argued, was now an accomplished fact, and North Carolina was forced to its approval or disapproval. They hoped for approval. The opponents of the convention urged that it would be the first step toward disunion and that it would afford demagogues an opportunity to excite and inflame unduly the minds of the people.[85] The radicals, constantly under the necessity of refuting the charge of being designing politicians,[86] urged that a convention was but the ordinary right of freemen. A number of conservative leaders now came to support the proposition for a convention. W. W. Holden had never directly opposed this feature of the governor's policy. Mr. Vance, Whig Representative in Congress from the mountain district, wrote to a member of the General Assembly January 9, 1861, advising a convention. "I do not regard," he said, "the call of a convention as a disunion movement, but as the conducting steel to the lightning-freighted cloud. Firm, temperate, and decided action

[83] Fayetteville Observer, Dec. 24, 1860.

[84] The term "nationalist" is here used to designate those who held the national theory of the Constitution. In general they were the old line Whigs, though an increasing number of this party came to support secession as the crisis approached, *e. g.*, Z. B. Vance and his followers.

[85] Raleigh Register, January 2, 1861.

[86] State Journal, Jan. 2, 1861.

may save the rights of the states and the Union as well. Non-action will precipitate us into disunion. A convention, while demanding terms of the northern people, can also make our voices heard among the southern states whose course is rapidly inoculating the people with dogmas which we cannot approve."[37] Meanwhile, the members of the General Assembly reassembled January 7, after two weeks' stay among their constituents. It was immediately apparent that their conservatism had undergone no diminution, but that they had become impressed with the fact that many besides the radicals wished a convention.[38]

The convention bill,[39] authorizing the election of one hundred and twenty delegates on the basis of federal population in the counties, passed both houses January 24. It directed that the voters at the same election should express their wishes for or against the convention. If a majority should vote for a convention, then the governor was directed to assemble the delegates by proclamation; if a majority should vote against it, then the delegates chosen should not be assembled. The date of the election was to be fixed by the governor, as also the date of the convention, in case a convention were called. February 28 was chosen by the governor for the election. North Carolina now became a political forge, and it was difficult to determine what would be wrought therein.

An event which had a perceptible effect in hastening the convention bill was the seizure of the United States forts, Caswell and Johnson. Early in January a report spread at the South that the administration at Washington purposed to garrison all southern forts; that troops were already on

[37] Letter of Z. B. Vance to G. N. Folk, Raleigh Register, Jan. 16, 1861.

[38] Proceedings of the Legislature, Speeches, Raleigh Register, Jan. 16 and 23, 1861.

[39] Senate Journal, 1860–1861, 206. House Journal, 1860–1861, 374. The vote in the senate was 37 for and 9 against the bill; in the house, 86 for and 27 against.

the way thither.[40] Forts Caswell and Johnson commanded the mouth of the Cape Fear River below Wilmington, consequently great excitement was produced in that town at the supposed purpose of the government. On the eighth of January a number of citizens, with a portion of the local militia, acting without orders, proceeded down the river and dispossessed the small garrison in Fort Caswell, Captain Thurston of the militia taking command. Fort Johnson contained no garrison.[41] Two days later Governor Ellis directed the Third Brigade commander to require Thurston to withdraw the state troops.[42] This was done on the thirteenth. Governor Ellis then wrote immediately to President Buchanan stating the cause of the outbreak and requesting a pledge that the forts should not be garrisoned during the present administration. He informed the President that the public mind was still excited, and that if such assurances were not furnished him he would not answer for the consequences.[43] Mr. Holt, secretary of war *ad interim*, replied to Governor Ellis, assuring him that it was not the purpose of the administration to garrison the forts at present; that the President trusted their safety to the law-abiding sentiments of the citizens of North Carolina.[44] The governor, at the request of the house of commons, laid the correspondence before the Assembly on the seventeenth, and the incident was closed. The state felt assured that the Buchanan administration would make no hostile move. Fort Macon in Beaufort harbor and the federal arsenal at Fayetteville remained undisturbed until Mr. Lincoln's call for troops in April.

Though nothing in the seizure of the forts could be

[40] Wilmington Daily Journal, Jan. 5, 6, 1861. This report seems to have had its origin in Georgia, based on an alarmist telegram sent by Senator Toombs from Washington. See Phillips, State Rights in Georgia, 201. The report caused a general seizure of forts on their coast by all the southern states in January.

[41] For an account of the seizure of the forts see Wilmington Daily Journal, Jan. 9, 1861.

[42] Ellis, MS. Letter-book, 329.

[43] Ibid., 335.

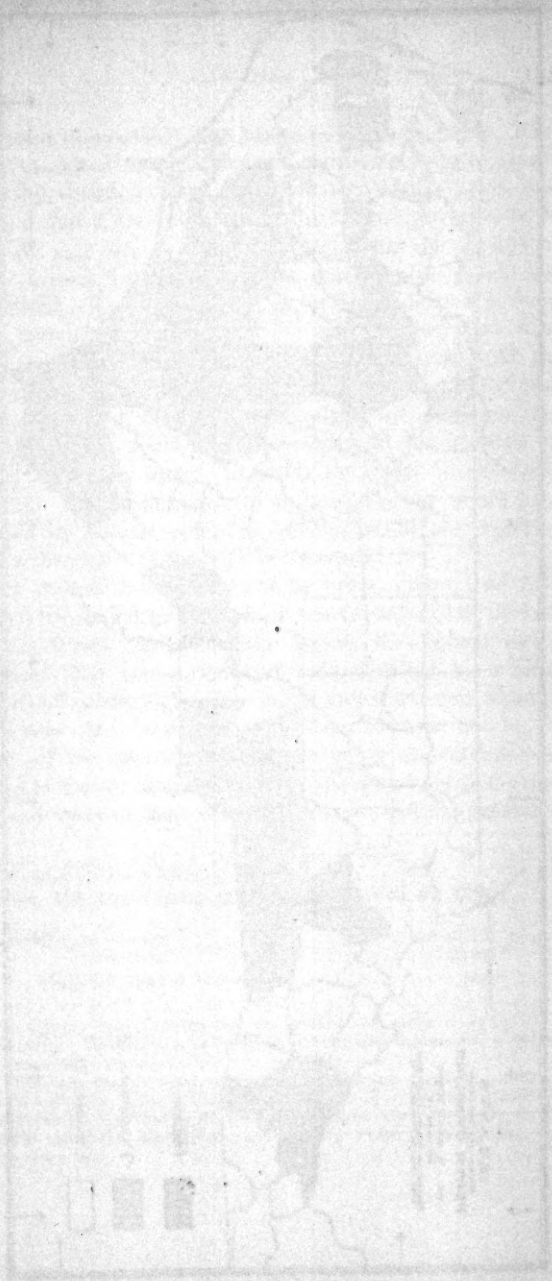
[44] Ibid., 336.

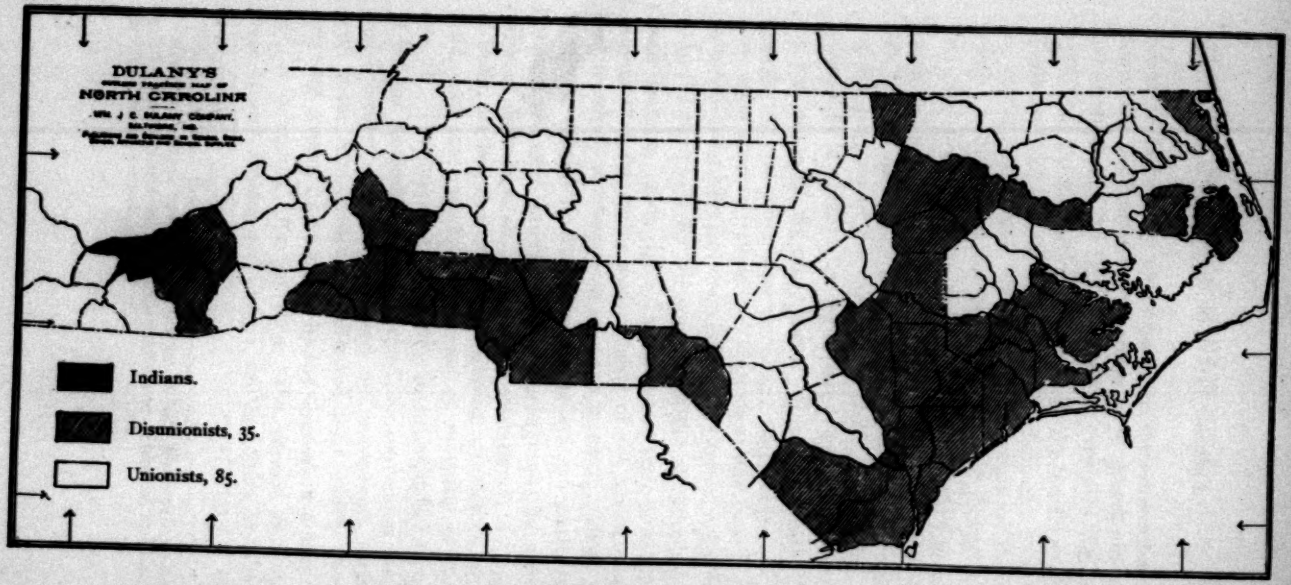
turned to account by either party in the convention campaign, the convention's supporters were greatly increased and strengthened by the progress of events in the cotton states and by the action of some of the northern states. Mississippi had seceded on the ninth of January; Florida on the tenth; Alabama on the eleventh; Georgia on the nineteenth; Louisiana on the twenty-sixth; and Texas on the first of February. New York and Ohio passed resolutions which defined the attitude of South Carolina as "treasonable" and "insurgent," and offered troops to the President for the purpose of her coercion. These resolutions, with requests to lay before the legislatures, were transmitted to the executives of the other states. Reaching North Carolina during the convention campaign, they served no purpose other than to irritate. With a short and caustic comment Governor Ellis laid them before the General Assembly.[45]

In the campaign for the convention the secessionists first used the term "state rights" to designate their party, maintaining that the rights and equality of the states was the end to which secession was only the means.[46] Those who opposed secession, whether nationalists or conservative Democrats, were called unionists throughout the canvass, without distinction of former party affiliation.

Both parties were active in getting candidates in the field, and these made the canvass as unionists or disunionists. The interest of the people was thoroughly aroused. After the Assembly had authorized the convention the unionist leaders who had opposed the movement, together with those who favored it, directed their efforts toward securing control of its action by the election of a majority of the delegates. Among those who became candidates were Messrs. Holden and Badger, for the county of Wake.[47]

[45] Ellis, MS. Letter-book, 351, 355.
[46] State Journal, February 13, 1860.
[47] On the federal basis of population Wake County, containing Raleigh, was entitled to three representatives. Quentin Busbee was the third unionist candidate.





CONVENTION ELECTION, FEB. 28, 1861.

In a joint discussion[48] with his state rights opponent, February 14, Mr. Holden denied the right of a state to secede from the Union, favored the Crittenden Compromise, and asserted that it was the duty of the federal government to reinforce and defend Fort Sumter, and that the passage of troops across North Carolina for that purpose should not be resisted. This speech marked for Mr. Holden a position more extreme than that taken by any prominent unionist, whether old line Whig or conservative Democrat. All the nationalists of the union party were in agreement with him on the point of the unconstitutionality of secession, but probably none would have submitted to the passage of troops across the state. Certainly no leader so expressed himself. Their conception of the government would have reached its natural objective, revolution, before suffering such a disregard of the will of the state.

The people, fully instructed by press, pulpit, and politicians, proceeded to election on the twenty-eighth of February. When the result was known the leaders met a surprise. The convention had been defeated by a small majority,[49] while eighty-five union and thirty-five disunion candidates had been elected.[50] The surprise lay in the defeat of the convention. All the union leaders had consented to the convention after the passage of the convention bill, and many of them were candidates. All the prominent

[48] State Journal, Feb. 20, 1861, has a full report of Mr. Holden's speech, with severe criticisms.

[49] Ellis, MS. Letter-book, 392, official vote, Feb. 28, 1861,

No convention	46,603
convention	46,408
Majority against convention	195

Davie County was thrown out on account of some irregularity in the returns. With this vote counted as returned the majority against the convention was 651.

[50] This was the division made by the Raleigh Register, unionist. The Wilmington Daily Journal, March 13, 1861, taking account of differences on the theory of the Constitution, gave the delegates as follows: southern rights, 46; conditional submissionists, 22; submissionists, 52.

union newspapers, with one exception,[51] favored the convention. Yet the people, distrusting its possible action, had refused its call. They had done this, too, though every state south of North Carolina's border was out of the Union and a member of the Southern Confederacy.

The state rights party accepted with ill grace the results of this contest. The charge was freely made that foul play had been used by the unionists; that the old Know Nothing party lines had been drawn in secret and the convention, regarded as a Democratic measure, had been slyly killed.[52] This was mainly party chagrin. The real cause of the defeat of the convention lay in the fear of the people as to what it might do. There had been no lack of definiteness as to the intention of the state rights party in the event that it elected a majority of the delegates and the proposition for a convention was carried. Its candidates and press repeatedly avowed that the issue at the polls was union or disunion.[53] Though a large majority of the people had trusted to the election of union delegates to secure the fulfillment of their wishes, yet a small majority within this greater one made sure by the defeat of the convention itself. Many unionists voters, however, favored a convention to deal with the question which threatened them in the Union, and they had so expressed themselves at the polls; therefore, an interpretation of the union sentiment at this date must be based on the election of the eighty-five union as against the thirty-five disunion delegates rather than on the small majority against the convention.[54]

Immediately after the election an incident occurred in Raleigh, growing out of the election results, which, though within itself of minor significance, caused an acrimonious

[51] The Greensboro Patriot always opposed this convention.
[52] State Journal, March 13, 1861.
[53] Wilmington Daily Journal, files for Feb., 1861. State Journal, files from Feb. 13 to 28, 1861.
[54] Bedford Brown testified before the Reconstruction Joint Committee of Congress, March 28, 1866, that the vote for union candidates in this election was in the ratio of 2 to 1 against disunion. Report of Committees, 1st sess., 39th Cong., vol. II, 262.

discussion between the union and state rights newspapers and left men's minds in a heated and irritated condition. The unionists in Wake County elected their candidates, Messrs. Badger, Busbee, and Holden, by large majorities. To celebrate their local and state victory a large and enthusiastic torch-light procession was held in the capital. This procession in passing the governor's mansion halted and gave vent to groans, presumably in disapprobation of that official's radical activity in the cause of secession. The state rights party organ magnified the incident into a serious indignity put upon Governor Ellis because of his righteous effort in behalf of the southern cause.[55] A few fights between citizens who held different political views increased the tension between the parties and led the editor of the *State Journal* to dub the month succeeding the election the "Reign of Terror."[56] There is no evidence, however, that the demonstration in front of the governor's residence was a studied indignity. It seems to have been the impulse of a moment aroused by thoughtless suggestion. As to the month succeeding, the so-called "Reign of Terror," it was indicative of the temper of the unionists not to yield anything of their moral and material victory over the disunionists.

While the canvass for the convention was in progress in North Carolina the Peace Conference met in Washington to seek a method of averting the danger that threatened the country. Organization was effected February 4 by the choice of John Tyler of Virginia as president. North Carolina's General Assembly had appointed, January 29, two commissions, one of five members to the Peace Conference, and another of three members to the Southern Convention at Montgomery, which also met on February 4, and a few days later formed the provisional government of the seceded states. The resolutions of appointment were identical in language with the exception of the names of commissioners

[55] State Journal, March 13, 1861.
[56] Ibid., April 3, 1861.

and conferences. Both declared the object of the commission to be "the effecting an honorable and amicable adjustment of all the difficulties that disturbed the country, upon the basis of the Crittenden resolutions, as modified by the Legislature of Virginia."[57]

The commission to the Peace Conference was composed of three Democrats and two Whigs. The latter were ex-Chief Justice Thomas Ruffin and ex-Governor James M. Morehead. Of the three Democrats only ex-Governor Reid was prominent in state politics. The two Whig members entered the conference with a strong desire for harmony and for an adjustment whereby the Union might be saved, and for this end were prepared to compromise.[58]

Seven articles were finally adopted by a majority of the twenty-one states represented in the conference. These were to be presented to Congress with the hope of their endorsement and subsequent submission to the states for their ratification as amendments to the Constitution. Only two of the articles satisfied the Democratic majority of the North Carolina commission and received the vote of the state. These were the third and the fourth. The third denied the right of Congress to interfere with slavery where it already existed or in the territories where it was recognized, and prohibited forever the foreign slave-trade and the domestic trade in the District of Columbia. The fourth sanctioned the fugitive slave law and provided payment by the federal government in cases where slaves were rescued by mobs from the custody of federal marshals. Since the people in a state convention would pass finally upon them, Messrs. Ruffin and Morehead wished to give the vote of the state to the articles as a whole; but the Democratic majority, considering the five articles a surrender of southern rights, refused.[59] The Democratic members of the com-

[57] Victor, History of Southern Rebellion, I, 336.

[58] Carolina Watchman, March 9, 1861, has reports of the speeches of Messrs. Ruffin and Morehead before the conference.

[59] Ellis, MS. Letter-book, 384, 385, reports of the commission to the governor.

mission had never been sanguine of any good resulting from the conference.

During his absence in Washington Mr. Reid was named by his native county, Rockingham, as one of its candidates for the proposed state convention. His letter of acceptance was used for campaign purposes by the state rights party.[60] It expressed a lack of confidence in any satisfactory results issuing from the conference of which he was a member and emphasized the futility of its efforts. Admitting that a conservative element existed at the North, he pointed out that it was too weak to control the actions of the radical administration about to be inaugurated; and therefore, that the interests and destiny of North Carolina lay with the seceded states.[61] Senators Clingman and Bragg also wrote on February 18 that nothing favorable was to be expected from the Peace Conference. Mr. Clingman warned the people that it was the determination of the Republican party to subjugate the South and, finally, to abolish slavery in the states even at the risk of civil war. He advised resistance, holding out the hope that, with North Carolina and Virginia with the seceded states, the North would hesitate to make war.[62]

The Peace Conference adjourned February 24. Its plan, adopted by so narrow a margin, went to Congress without a compelling moral force. The radicals of neither North nor South were pleased. Minority members of delegations from many of the states whose votes were cast for it were strong assailants of its provisions.[63] The complete failure of the plan when it came before the Senate March 4 (congressional day, March 2) was a severe blow to the unionists' position in North Carolina. From it they had expected

[60] Commissioner Reid to his Constituents, Wilmington Daily Journal, Feb. 20, 1861.

[61] Commissioner Reid to his Constituents, Wilmington Daily Journal, Feb. 20, 1861.

[62] Letters of Clingman and Bragg, State Jour., Feb. 20, 1861, Feb. 27, 1861.

[63] Chittenden, Debates and Proceedings of the Peace Convention, 440 et seq.

much,[64] and were slow to relinquish their hope.[65] Disappointed in the conference, they now turned to Lincoln's inaugural address as indicative of moderation and peace,[66] a chart by which the border states would find it difficult to sail between the northern Scylla and the southern Charybdis.

The failure of the peace plan was a stimulus to the state rights party in the same degree that it was crushing to the unionists. Lincoln's address was interpreted as a menace rather than a promise of future security.[67] The commissioners to Montgomery, occupying seats on the floor of the congress, had seen the provisional government of the Confederacy take form on the eighth and ninth of February. The question "What further need for the unionists' shibboleth 'watch and wait'?" often repeated by the state rights party,[68] was answered with increasing difficulty.

The Wilmington *Daily Journal* of March 4 suggested a plan of action which became at once the policy of the state rights party. This plan contemplated another state convention. For its call an extra session of the Assembly would be necessary. The governor, though well known to be favorable, was not likely to call the Assembly together

[64] Samuel Hall, Georgia's commissioner to North Carolina, reporting to the Georgia Convention on the results of his visit to North Carolina, February 11, 1861, stated that the belief entertained by a large number of North Carolina citizens that the Peace Conference would be able to compose the sectional differences prevented the state's immediate coöperation with the Southern Confederacy. Journal of the Georgia Convention, 343.

[65] James M. Morehead wrote on March 1 that the compromise would be effective. Letter in Raleigh Register, March 6, 1861. Representative Gilmer informed his constituents that Congress would doubtless adopt the peace plan. Letter of Gilmer, Standard, March 6, 1861.

[66] Raleigh Register, March 13, 1861. Standard, March 13, 1861.

[67] State Journal, March 13, 1861.

[68] The Wilmington Daily Journal of March 11, 1861, said: "Let North Carolina not wait irresolute until it is said she had to be kicked out (of the Union), as has been sometimes sneeringly said of her. It took two trials to get her into the Union, and much talking and explanation. This shows that no action taken in changing times can possibly be regarded as unchangeable. It may take two trials to get her into the Southern Union. What then? Shall we not make them?"

for this purpose so soon after the late defeat unless there was a strong demand for such action. The *Journal's* plan was to give this demand an effective form. Delegates who had been elected to the defeated convention were invited to meet as an advisory body of citizens, which, if not a legally organized assembly, would at least be composed of gentlemen legally chosen, whose views would necessarily have much weight, both within and without the state. The movement would have to be wholly spontaneous on the part of the delegates and at their own expense. Goldsboro was suggested as the place of meeting,[69] and April 4 indicated as the date. The plan received such hearty endorsement from the party that the earlier date of March 22 was fixed upon. The course of national affairs still further lent force and activity to the state rights party, for besides the failure of the peace proposition and the fact that Lincoln's "address" furnished no tangible guarantee for peace and security, David Wilmot was entering the United States Senate, and the strongest places in the President's cabinet had been filled by Seward and Chase. These three men were looked upon as life-long enemies to southern rights.

The proposal for the Goldsboro convention contained an invitation to all delegates of both parties who had been elected February 28. As has been seen, more than two-thirds of these delegates were unionists. They refused to countenance the Goldsboro meeting, and it was denounced by the unionist press as illegal and revolutionary.[70] With only the secession delegates remaining, the convention was turned into a mass-meeting wholly secessionist, with the secession delegates as a nucleus to give it the character of a convention. About twenty-five counties were represented during the two days' session, each of these sending as many delegates as there were persons willing to go.[71] Some

[69] Raleigh was logically the place for the meeting, but was unionist in sentiment, while Goldsboro was strongly secessionist.

[70] Fayetteville Observer, March 18, 1861.

[71] In Wilmington a number of new delegates were elected March 20. The proceedings were less regular in other places. Wilmington Daily Journal, March 20, 1861.

near-by counties were represented by several hundred, some by fifty, and about half by from one to three delegates.[72] Most of the twenty-five counties were middle state and eastern, the territory represented coinciding roughly with the slave-holding area of the state. From Rowan County Representative Craige brought the delegation. Holding strong state rights views, and a close personal friend of Governor Ellis, Mr. Craige's attendance at Goldsboro gave the convention official recognition and endorsement. The body organized March 22 by the choice of Weldon N. Edwards as chairman. The first period of the session was given over to a speech from Franklin J. Moses,[73] commissioner from South Carolina. Mr. Moses referred to the natural affinity between North Carolina and the seceded states and reminded his hearers of the difficulties which then beset them in the old Union and which, he averred, would grow constantly worse; but security, peace, and fraternal feeling awaited them in the arms of the southern union.

The important work of the convention was embodied in its favorable action on a set of resolutions brought in on the second day by a committee under Mr. Craige. These resolutions set forth that the vote taken on the convention February 28 was not the deliberate fiat of the people; that subsequent events had brought many into a readiness for reconsideration of the state's relations to the Union. Therefore, it was recommended that an organization should be formed whose object should be the dissemination of the facts and the presentation of the arguments bearing upon the issue to the people of every county, in the belief that when this information was in the minds of the people they would demand of the governor and the Assembly an opportunity to express their wishes at the ballot-box. In accord-

[72] The State Journal, March 27, 1861, contains a list of the delegations and a full report of the proceedings of this convention.

[73] Moses' speech is published in the Wilmington Daily Journal, March 25, 1861. This speech, viewed from a calmer distance, cannot but appear presumptive and demagogical. He addressed his hearers as "fellow-citizens," saying that it was not an inadvertance, as they would soon be in the Southern Confederacy.

ance with the resolutions two men were appointed in each congressional district to make up an executive committee of the Southern Rights party for the state.[74] It was further recommended that the Southern Rights citizens of each county form organizations whose executive offices should correspond with the state executive committee and be a means for promoting the party principles. A final resolution declared that the interest and honor of North Carolina demanded political connection with the Southern Confederacy.

In the two days' proceedings of this Goldsboro Convention is observable an entire absence of any disposition to preserve the Union. No word indicated the existence in the mind of any person of a hope of the restoration of that amity and brotherhood which once existed between the sections. No form of compromise likely to be reached offered security; therefore, the party stood ready to carry into practice the particularistic theory of the government which had never been dead where the state rights party was now strongest. Within a week of the adjournment of the convention the citizens of many state rights counties had organized in accordance with the recommendation.[75]

In changing times a party with a policy to offer secures advantage by reason of its readiness and positive program. The unanimity of the representatives in the Goldsboro Convention, their aggressiveness, and the definiteness of their plans are in sharp contrast with the confusion that prevailed among the unionists. Though in a majority, the unionists were forced into the attitude of merely an opposition party. Only past blessings could be instanced as reasons for fidelity to the Union. This could not long be a very potent argument when the present was so threatening and the future unfathomable. The unionists, unable to

[74] The convention adopted the name, "Southern Rights," in lieu of state rights, which had been used in the campaign for the convention.

[75] Wilmington Daily Journal, March 30, 1861. New Hanover formed its association March 29, 1861.

offer a solution, could only attack the irregularity of the proceedings of the state rights party. The Goldsboro Convention was bitterly assailed, and Moses was accused of trying to induce the leaders to override the will of the people.[76] The disunion leaders were reminded that the ballot-box was the arbiter of all political controversies in our form of government; that the decision had been given on February 28, and, until a new contingency arose, should be final.[77]

Freedom of speech and toleration of opposing opinion were generally insisted upon throughout March and the first two weeks of April, though infractions of the rule were occasional on the part of both parties in the respective localities where they were in large majorities.[78] In Wayne, a strong secession county, a speaker gave offense by his conservatism on the leading question, slavery. A committee of ardent secessionists waited upon him and threatened a coat of tar and feathers as an aid to a change of sentiment.[79] In Raleigh, on April 8, some young men wearing Confederate cockades in their hats raised a small Confederate flag on a pole in a vacant lot. The movement excited the ire of many of the bystanders, and called forth a threat to cut down the pole. Though the threat was not executed, one bellicose union man blazed away at the flag with a rusty old fire-lock amid the applause of the crowd.[80] Raleigh, however, stood firmly unionist,[81] despite the attitude of the governor and of his administration.

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[76] Carolina Watchman, March 26, 1861.

[77] Ibid., April 2, 1861.

[78] Early in January Hinton R. Helper's book, "The Impending Crisis," brought a number of abolitionists into trouble in Guilford, Randolph, and neighboring counties where the Quaker influence was very strong. This book was classed under "incendiary literature," against the circulation of which a state law existed.

[79] Standard, March 20, 1861.

[80] Raleigh Register, April 10, 1861.

[81] A train bearing a large number of secession delegates on their return from the Goldsboro convention made a stop at the Raleigh depot where a large crowd of citizens were collected Sunday morning, March 24. The secessionists, fresh from the enthusiasm of their meeting, singing "Dixie" and otherwise giving vent to their

The Southern Rights party had lost no time in perfecting its organization along the lines laid down at Goldsboro, and was busily engaged in holding county meetings and in sending petitions to the governor for a call of the General Assembly in extra session. Public opinion was in a formative stage. Governor Ellis was not yet prepared, however, without further developments, to disregard the people's decision, but for this he had not now long to wait. External events were hastening which would affect North Carolina and force her to a rapid decision.

On the twelfth of April Fort Sumter was fired on by order of the Confederate government. The next evening the garrison surrendered. Lincoln's call for troops followed on the fifteenth, and Governor Ellis needed now only to direct the popular impulse. Immediately upon the reception on that day of Secretary of War Cameron's telegram that two regiments of troops were required of North Carolina, the governor convened his council, and after a short consultation sent the following reply:

"Your dispatch is received, and, if genuine—which its extraordinary character leads me to doubt,—I have to say in reply, that I regard the levy of troops made by the Administration, for the purpose of subjugating the States of the South, as in violation of the Constitution, and a usurpation of power. I can be no party to this wicked violation of the Constitution, and to this war upon the liberties of a free people. You can get no troops from North Carolina."[82]

A telegram from Governor Pickens of South Carolina

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feelings, were incautious enough to yell from the waiting train that Raleigh was "a d—d abolition hole," whereupon they were invited by the citizens to alight and prepare to defend their assertions. Promptitude was not lacking on the part of the delegates. A free-for-all fight was averted only by the timely departure of the train. See Standard, April 3, and Raleigh Register, March 27, 1861, for accounts of this incident. The Register expressed a fear of civil war within the state.

The Wilmington Daily Journal, March 27, deplored the Union sentiment of the capital.

[82] Ellis, MS. Letter-book, 398.

also reached Governor Ellis on the fifteenth. It was written at Charleston, and read:

"Fort Sumter surrendered after our troops had made terrible havoc upon it. There is a fleet off our bar with several thousand troops on board. If they attempt a landing, we are prepared for them. We will do our duty. Fort Pickens has been reinforced. Will North Carolina stand this?"[83]

The telegrams of Secretary Cameron and Governor Pickens, both received April 15, and representing the appeals respectively of the North and the South, left Governor Ellis in no uncertain state of mind. On the same day he directed Captain Croton to proceed with his company of state troops from Goldsboro to Beaufort and to take possession of the harbor and of Fort Macon.[84] A similar order was given to Colonel Cantwell in regard to Forts Caswell and Johnson. Both orders were executed by the seventeenth. These officers were commanded to observe a peace policy and when once in possession of the forts to act only on the defensive. On the seventeenth a regiment of militia was ordered to Fayetteville to take possession of the United States arsenal, then guarded by a company of federal troops. The militia commander, Colonel Cooke, was instructed to employ force in the event of a refusal by the company to surrender. Force, however, was not necessary, the company of regulars surrendering at discretion to the two thousand troops demanding it.[85] Brevet Major Anderson, in command of the arsenal and troops, resigned his commission under the United States government, leaving the command to Lieutenant D'Lagnel, who by the twenty-seventh had made all

[83] Ellis, MS. Letter-book, 399.

[84] Ibid., 400.

[85] 37,000 muskets and rifles; a complete battery of cannon; a large quantity of powder, with other military stores, were surrendered. See Fayetteville Observer, April 29, 1861.

President Jefferson Davis gives the number of muskets and rifles taken at Fayetteville as 27,000. These were probably all that were serviceable. See The Rise and Fall of the Confederate Government, vol. I, 471.

necessary preparations for sending his company down the river to Wilmington and thence to New York. The inhabitants of Fayetteville offered every courtesy and facility to the lieutenant, and on the twenty-seventh the company took steamer without any unpleasant incident marring the departure. The United States mint at Charlotte had been taken over on the twenty-second. A military inspector for the state was appointed and empowered by the governor to exercise all powers necessary for the public defense, to extinguish lights and to seize vessels belonging to the enemy.[86] Five thousand volunteers tendered their services to the governor before the call for thirty thousand on the twentieth. A military encampment was established at Raleigh, where the work of drilling the state troops and the volunteers went rapidly forward. Large sums of money were subscribed by private individuals to assist in equipping the troops.[87] Nominally, North Carolina was to remain a month longer in the Union; in reality, she was out of it the day after Secretary Cameron's telegram for troops was received.

By proclamation on April 17 Governor Ellis had called the members of the General Assembly to meet in extra session on the first day of May. The proclamation closed with the words: "United action in defence of the sovereignty of North Carolina and the rights of the South becomes now the duty of all."[88] The Virginia legislature on the same day passed its ordinance of secession, subject to ratification by a vote of the people. On the twenty-fifth it ratified the constitution of the Provisional Government of the Confederate States of America, at the same time entering into a convention by which all Virginia's forces, forts, and military equipment were placed at the disposal of the Confederate government.[89] The secession of Virginia went far toward

[86] Ellis, MS. Letter-book, 413. Ellis to Inspector Whitney.
[87] Raleigh Register, April 24, 1861.
[88] This proclamation may be found in all the state papers of date.
[89] Stephens, War Between the States, vol. II, 378. Journal of Virginia Convention, 1861, 196.

stilling the voices in North Carolina that seemed yet inclined to be raised for the government of the fathers.[90]

After the call of Mr. Lincoln for troops, resistance, whether it be termed secession or rebellion, became the overwhelmingly prevailing sentiment in North Carolina. Differences on the theory of the Constitution were for the moment hushed in the din of preparation for battle. Abridgment of party differences for a common purpose, rather than a surrender of principles on either side, secured unity of action. Mr. Graham admitted early in May that the time was ripe for revolution.[91] Mr. Badger expressed similar views but favored a central confederacy as the object of revolution.[92] Mr. Holden was less committal; he drifted with the tide, deprecating at the same time the supremacy of northern and southern extremists. The unionist press with unanimity now admitted separation to be inevitable.[93]

Governor Ellis met the General Assembly on May first with an ably written message in which he labored to convert those who did not believe in the constitutional right of secession. He reviewed the whole theory of government upon which the Constitution was founded.[94] The southern position of state sovereignty was clearly defined, as set forth by the framers of the constitutional compact. Assuming

[90] The Greensboro Patriot was the last reputable journal in the state to advocate separation.

[91] William A. Graham's speech at Hillsboro, Standard, May 15, 1861.

[92] Letter of Mr. Badger, Raleigh Register, May 10th, 1861.

[93] The Fayetteville Observer lost hope April 15. With stubbornness and reluctance it came to support a separatist policy and independence of the state, free of North or South. It blamed "the efforts of a stupid and treacherous administration on the one hand and the malcontent fire-eaters on the other" for "the guilt and folly of destroying the best government on earth." Observer, April 15, 1861.

The Carolina Watchman, the focus of Whig sentiment in the west, came over without any reservations. April 23 it said: "President Lincoln's proclamation and call for volunteers to coerce the seceding states has, for the time being, settled every political difference between the people of this section. If he had spent a whole year in devising a method to unite the southern people he could not have brought out anything more successful."

[94] Message, Ellis, MS. Letter-book, 409, et seq.

that the state would secede and join the Confederacy, he recommended a convention of the people as the only method by which secession could constitutionally be accomplished. The convention, he said, should be unlimited because of the need in strenuous times of resorting to a tribunal for decisions; the action of the convention should be final because of the importance of a speedy separation from the northern government. The message further showed what action had been taken to place the state in an attitude of offensive and defensive warfare and recommended a large appropriation for arsenals and the manufacture of arms.

The Assembly took swift action on the convention bill,[95] carrying it through all its readings and to its final passage on the first day of the session. The bill provided for a convention, unrestricted in powers and final in action, to be composed of one hundred and twenty delegates elected on the federal basis of population in the counties. The election should be held on the thirteenth and the convention meet on the twentieth. So rapidly did legislative machinery move that the governor was able to issue his election proclamation on the same day that he had sent in his message recommending the convention. Other important recommendations, in a special message from the governor, were speedily embodied in legislative enactments. The governor was authorized to tender to Virginia the services of North Carolina troops not immediately wanted for coast defence.[96] Five hundred thousand dollars were placed at his disposal in addition to the amount appropriated by the regular session for arming the state.[97] A bill was passed authorizing counties to make subscriptions for the purpose of arming and equipping volunteers.[98] The statute requiring state officers to take an oath to support the Constitution of the United States was repealed.[99] The Democratic program of

[95] Journal of N. C. General Assembly, extra session, May 1, 1861.
[96] Resolution passed May 1, 1861.
[97] Journal N. C. Gen. Assembly, extra session, May 2, 1861.
[98] Ibid., same date.
[99] Ibid., May 3, 1861.

preparation encountered no opposition. The constitutional union Democrats, now that they considered the Constitution definitely broken by the aggression of the North, had gone over in a body to the side of their secession brethren. The nationalists, ready for revolution, aided in the preparations.[100]

In the twelve days intervening between the call for the convention and the election of delegates there was little time for an alignment of parties. The only point of difference was whether separation should take the form and title of revolution or of secession. This would depend upon whether the convention was controlled by those who held the national theory of the Constitution or by those who held the compact theory. In most of the counties party lines were obscured to such an extent that there is no method of marking the division of sentiment except by the subsequent voting of their delegates in the convention. In many counties the old alignment continued.[101] Those who had been candidates as unionists in February now became candidates as revolutionists, but with much less hope of election over their secession opponents.

The convention assembled May 20, with unrestricted powers but under implied instructions to separate from the federal Union. Of the one hundred and twenty delegates elected the whole number were soon in attendance. That the people of the state realized the gravity of the situation is attested by the character of the convention. Sixty-seven of the delegates had had the advantage, either in whole or in part, of a collegiate education. Of the remaining fifty-three, sixteen were physicians who had taken professional courses.[102] From the list of delegates the only names of

[100] Jour. N. C. Gen. Ass., ex. sess., May 3, 1861. Their votes were recorded in the affirmative on each of the foregoing measures.

[101] Messrs. Geo. E. Badger, W. W. Holden, and K. P. Battle were reëlected in Wake after a close contest with Thomas Bragg, Charles Manly and G. W. Mordecai.

[102] McCormick, J. G. Personality of the Convention of 1861, published in James Sprunt Historical Monographs.

Mr. McCormick's monograph was prepared under the personal supervision of Prof. K. P. Battle of the Dept. of Hist. in the Univ. of N. C. Prof. Battle was a member of the convention.

political prominence that were absent were those of Z. B. Vance, James M. Morehead and Willie P. Mangum, of the Whigs, and Senators Clingman and Bragg, Charles Manly and Moses A. Bledsoe, of the Democrats. The absence of these leaders was due in large part to the comparatively small total number of the convention, together with the conflicting claims upon the suffrages of the people of candidates in the same county.

The convention chose Weldon N. Edwards as chairman over Wm. A. Graham, by a vote of sixty-five to forty-eight. Mr. Edwards had been chairman of the self-constituted Goldsboro Convention. Mr. Graham was the candidate of the revolutionists. Immediately after organization Mr. Badger offered his ordinance of separation, based on the right of revolution. This document[103] is remarkable for the evenness of its tone and for the vividness with which it portrayed the past and present political conditions of the state. The long preamble recited the grievances of North Carolina, her efforts to remain in the Union and her reasons for the same, and finally, the climax of her grievances in Lincoln's proclamation and call for troops. Then followed the ordinance declaring North Carolina free and independent. All reference to secession as a legal right was carefully avoided by Mr. Badger. Before the vote was taken Mr. Craige, the floor leader of the secessionists, offered an ordinance and moved it as a substitute for that of Mr. Badger. Mr. Craige's ordinance,[104] based on the constitutional right of a state to withdraw from the Union at will, simply abrogated and rescinded the ordinance of the state convention which ratified the Constitution of the United States in 1789.[105] The two ordinances, representing re-

[103] Journal of the North Carolina Convention of 1861, 10, 11.
[104] Journal of the North Carolina Convention of 1861, 16.
[105] The secession ordinance introduced by Mr. Craige and by which North Carolina withdrew from the Union was written by Judah P. Benjamin of President Davis' cabinet, and sent by a special messenger, Mr. James M. Hines, to Governor Ellis at Salisbury. Governor Ellis charged Mr. Craige with its introduction in the convention. The object of the Confederate government was to secure

spectively the national and the compact theory of the government, were now before the convention for a decision. The debate was short, carefully pruned on both sides of all hostility, and reduced practically to explanations of the respective positions of the supporters of the ordinances.[106] The vote resulted in seventy-two for and forty against substitution,[107] this being the test vote. The revolutionists were outnumbered by thirty-two. Among those who voted against the substitution were Messrs. Gilmer, Graham, Battle, Ferebee, Badger, Dick and Holden, all life-long Whigs except the two last named, who were both recent acquisitions.

Immediately after the test vote, the vote on the passage of the substituted ordinance was taken and resulted in a unanimity of ayes.[108] The revolutionists deemed it unwise to weaken the attitude of the state at such a period by a continued division over a question of constitutional interpretation. Within an hour after the passage of the secession ordinance a second ordinance was introduced and passed ratifying the Provisional Constitution of the Confederate States of America. Thus the citizens of North Carolina had been under three different governments within the space of as many hours. The state had been the last of the southern states to enter the Union and the last to withdraw.

The record of the yeas and nays upon the substitution of the ordinance of secession for the ordinance of revolution

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uniformity in the method by which the border states should withdraw. Mr. Hines, the Confederate messenger, is now living in St. Louis, Mo.

[106] One Union-loving mountain delegate had no patience with the temper of the convention. Exasperated at the secessionists' constant reference to the example of South Carolina, he rose to his feet. Towering in height, with long arms gesticulating, indignant in mien, and in language more eloquent than grammatical or chaste, he exclaimed: "Let South Carolina nullify, revolute, secess, and be *damned!* North Carolina don't have to follow her lead!" Personal reminiscence of a member.

[107] Journal of the Convention, 16.

[108] Journal of the Convention, 16. One hundred and fifteen, all the delegates in the hall, voted for the ordinance. The remaining five had their votes recorded for it the following day.

enables the vote of each delegate to be traced to the county which he represented. Making large allowance for the influence of popular leaders, the expected fact is disclosed that the constituencies of delegates who voted for revolution occupied the strongholds of the old Whig party, and that these strongholds were, in turn, coincident with the territory: first, where slavery as an economic institution did not exist, as in the mountain country; second, where the staple crops were not grown and slavery was consequently a weak economic factor, as in portions of the Piedmont country; third, where the Quakers were dominant, as in Guilford, Randolph, and Chatham Counties; and fourth, where a large poor white population inimical to slavery existed, as in the poorer eastern coast and swamp counties.

CONCLUSIONS.

From the foregoing study the writer feels that the following conclusions may be justly drawn:

1. That North Carolina entered the federal Union in the belief that the act by which she ratified the Constitution did not divest her of sovereignty. The theory obtained that sovereignty was divisible and that the federal government was the agent of the federated states, empowered to exercise their sovereign powers to the extent granted by the constitutional compact.

2. That the slight jealousy manifested for state sovereignty by North Carolina during the first fifty years of union was due, not to a change of theory, but to a growing sense of appreciation of the benefits derived from the work of the agent, a government which should be loyally supported as long as its controlling principle was a just preservation of the line of demarcation between the powers delegated to it and those retained by the states.

3. That during the Whig régime in the state from 1835 to 1850 the first indications appeared of the growth of a true national spirit. This spirit, though weak in its first years of existence and confined to the portion of the state which was less influenced by slavery, really interpreted the Constitution as having created, not a federal compact of sovereign states, but an indissoluble national unity.

4. That though this spirit of nationalism grew apace under pressure of fear for the Union, aroused by the slavery agitation from 1850 to 1860, it never became strong enough to successfully combat the state rights forces, which were united in defence both of slavery and of the principle upon which they conceived the Union to be founded.

5. That a majority even of those who believed in the compact theory went out of the Union in 1861 reluctantly, under pressure of rushing events, influenced by a common interest with the slave states, and in the belief that secession, though now inevitable, was too hastily adopted as a remedy for the grievances of the South.